

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

SUPPORTING STATEMENT
HIGHLY MIGRATORY SPECIES DEALER REPORTING FAMILY OF FORMS
OMB CONTROL NO. 0648-0040

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

This package seeks approval for the collection of information from seafood dealers regarding purchases or sales of highly migratory species (HMS). Transactions that will be covered under this collection include purchases of HMS from commercial fishermen and/or import or export of bluefin tuna (BFT), bigeye tuna (BET), southern bluefin tuna (SBT) or swordfish (SWO). The information collected will be used to monitor the harvest of domestic fisheries, and/or track international trade of internationally managed species. This collection is being expanded to include all Atlantic HMS dealer reporting requirements, and will include new reporting requirements as well as reporting requirements transferred from other collections. In addition, the reporting requirements originally included in this package will be renewed. Table 1 identifies the reporting requirements to be included in this package, their disposition, and the previous PRA package, if applicable.

Table 1. Components of Collection 0648-0040 and their disposition.

Reporting Form/Activity	Disposition	Previous Collection
BFT DOMESTIC LANDINGS		
Atlantic Bluefin Tuna Landing Card & Tagging	Transfer without modification	0648-0239
BIWEEKLIES		
Atlantic Bluefin Tuna Domestic Landing Biweekly	Transfer without modification	0648-0239
HMS International Trade Biweekly	Combine transferred Swordfish Import Biweekly (0648-0013) and Pacific BFT Biweekly (0648-0239) and expand to include all trade for bluefin tuna, bigeye tuna, southern bluefin tuna, and swordfish	0648-0013 0648-0239
Dealer Reporting for HMS (HMS Biweekly & Negative Reporting)	Transfer without modification	0648-0013
STATISTICAL DOCUMENTS		
Bigeye Tuna Statistical Document (SD) Re-export Certificate (RXC) & Validation	New	N/A

Reporting Form/Activity	Disposition	Previous Collection
Southern Bluefin Tuna SD, RXC, & Validation	New	N/A
Swordfish RXC & Validation	New	N/A
Bluefin Tuna RXC & Validation	New	N/A
Bluefin Tuna SD & Export validation	Renew	0648-0040
Swordfish SD	Transfer & modify from swordfish certificate of eligibility	0648-0363

Domestic catch/landing data are necessary to effectively manage domestic fisheries. This information is used to monitor quotas, estimate fishing mortality, and identify the geographic and temporal distribution of fisheries. Collection of this information for use in domestic fishery management is authorized under the Magnuson-Stevens Fishery Management and Conservation Act (16 U.S.C. §1881 *et seq.*; Attachment 1). Collection of this information to implement certain international fishery management recommendations is authorized under the Atlantic Tunas Convention Act [ATCA (Attachment 2); 16 U.S.C. 971(d)(3)]. Domestic reporting covered by this collection includes the HMS biweekly and negative reporting, the Atlantic Bluefin Tuna BFT Domestic Landing Biweekly, and BFT Landing Cards and tagging (Table 1). Reporting that supports international fisheries management and is included in this collection is discussed below. Regulations at 50 CFR 635.5 implement dealer reporting requirements (Attachment 15).

Trade tracking programs are required by both the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Inter-American Tropical Tuna Commission (IATTC). An overall goal of these programs is to reduce illegal, unreported and unregulated fishing for the covered species, and improve management of associated fisheries. These programs are designed to account for all international trade of covered species by requiring that a statistical document (SD) accompany each export from and import into a member nation and that a re-export certificate (RXC) accompany each re-export. In this way, markets will be closed to trade of covered species with non-participating nations.

The United States is a member of ICCAT and authorized by ATCA to promulgate regulations as may be necessary and appropriate to implement recommendations adopted by ICCAT. ICCAT has adopted a recommendation for the mandatory implementation of a SD and RXC trade tracking program for BFT (Attachment 3), BET (Attachment 4), and SWO (Attachment 5). The BFT SD program has already been implemented domestically and the RXC is being added under this collection. The SWO SD program will replace ICCAT's previously required Certificate of Eligibility Program (Control No. 0648-0363). Under the ICCAT SD programs, SDs are required for international transactions for the covered species from all ocean areas, so Pacific imports and exports must also be accompanied by SDs. Since there are SD programs in place under other international conventions (e.g. the Indian Ocean Tuna Commission), a SD from another program may be used to satisfy the SD requirement for imports into the United States.

The United States is also a member of the IATTC, and required under the Tunas Convention Act (TCA; 16 U.S.C. §955; Attachment 6) to implement recommendations adopted by IATTC. IATTC has mandated a trade tracking program for BET (Attachment 7) which NOAA Fisheries will implement for BET from the Pacific Ocean.

Dealers who internationally trade for SBT will be required to participate in a trade tracking program implemented by the Commission for the Conservation of Southern Bluefin Tuna (CCBST). This will improve enforcement of ICCAT's BFT SD program by ensuring that imported Atlantic & Pacific BFT will not be intentionally mislabeled as SBT in order to circumvent reporting requirements. This action is authorized under ATCA, which provides for the promulgation of regulations as may be necessary and appropriate to carry out ICCAT recommendations.

Biweekly reports are used to complement trade tracking statistical documents by summarizing SD data and collecting additional economic information. The HMS International Trade Biweekly will also provide cross checks for some statistical document data.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Although the information collected is not expected to be disseminated directly to the public, it may be used in the development or review of fishery management plans and associated regulatory documents, and is therefore subject to NOAA's Information Quality Guidelines. As explained in the following paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See Item #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to any dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

Atlantic BFT Landing Cards and Tagging

The information collected in this portion of the reporting package is used by NOAA Fisheries to monitor U.S. landings of Atlantic BFT in relation to the assigned quota, thereby ensuring that the United States complies with its international obligations to ICCAT. In addition, provisions of domestic regulations such as time/area closures, fishing seasons, and subquotas by gear type and/or user group are monitored by these reporting instruments. The data collected is also used to assess the status of the BFT resources. Assessments are conducted and presented to ICCAT annually. These data provide the basis for ICCAT management recommendations that become binding on member nations.

This portion of the package consists of two reporting requirements. The Landing Card or daily report (Attachments 8 & 9) is used for daily, real-time quota monitoring. Dealers are required to FAX reports to NOAA Fisheries within 24 hours of purchasing a BFT. Second, uniquely numbered tail tags must be affixed to each Atlantic BFT purchased from a fisherman, after which the tag numbers are recorded on the Landing Card and Atlantic BFT Domestic Landing Biweekly (discussed below). (Domestic landings of Pacific BFT are not recorded under this collection, and use of tail tags is optional for Pacific BFT.)

The following information is collected on the Atlantic BFT Landing Card:

1. Dealer name and permit number;
2. Date the fish was landed;
3. Gear type used to capture the BFT - used for estimating catch per unit effort as part of stock assessment;
4. Length and weight of fish & measurement method (curved or straight/ round or dressed) - used to determine age of fish and population structure; weight used for quota management;
5. Tail tag number - identify fish and cross reference with biweekly report and used in place of SD validation;
6. Area caught - provides information on temporal distribution of fish and fishing and aids in enforcement of area closures;
7. Port landed - identifies principal ports for the fishery, temporal distribution of fish, and aids in enforcement;
8. Fisherman and vessel names, permit number and signature - provides vessel permit enforcement information.

Biweekly Reports

Biweekly reports are used by NOAA Fisheries to account for domestic landings of managed species, and collect and verify international trade data. For species managed by quotas, such as sharks, swordfish and BFT, this information is vital to ensure that landings do not exceed the established quota. For BFT, quota management requires that landings be accounted for on a daily basis (see above) so the biweekly is used to verify daily landing card information and collect economic information needed to manage the fishery. For international related reporting, biweeklies are also used to cross-reference and check information provided on SDs and collect important economic information needed for managing the fishery.

Three biweekly forms will be used to collect information on HMS. The HMS biweekly form is used by the NOAA Fisheries Southeast Region (SER) to monitor swordfish, shark, and tuna (bigeye, albacore, yellowfin, and skipjack) landings as well as landings of coastal pelagics (Attachment 10). Since dealers that purchase HMS also frequently purchase coastal pelagics, reporting for these species (dolphin, greater amberjack, king mackerel, escolar, and wahoo) is also included on this form. This information is used to track quotas and collect landings data for use in stock assessments. If no landings of HMS or coastal pelagics occur during the biweekly reporting period, a report must still be filed ("negative reporting"). This requirement clarifies for NOAA Fisheries whether a report is pending from the dealer for the reporting period. The following information is required on the SER domestic HMS biweekly form (Attachment 10):

1. Dealer name;

2. SER Dealer number;
3. Northeast Region Dealer number (if applicable) - provides cross reference and helps avoid any double reporting;
4. Begin & end date for reporting period;
5. Facility location (county and state) and phone number;
6. Contact;
7. Negative reporting option - (see above);
8. Dressed weight and price per pound for recorded species - provides economic data used in development of management measures and landings used for quota monitoring and stock assessment;
9. Date landed, vessel name, documentation number, port landed and state landed - provides information on temporal distribution of fish and fishery and provides enforcement data for permit checks.

The second biweekly is used to monitor Atlantic BFT landings and can be used by dealers that land Atlantic BFT to track BFT trade (exports). Information on the sale and disposition of BFT is also collected. The following information is collected on the Atlantic BFT Domestic Landing Biweekly (Attachment 11):

1. Biweekly reporting period;
2. Dealer name, Atlantic Tunas Dealer permit number, and name of person filling out report;
3. Date of landing;
4. Vessel permit I.D. number - used for enforcement purposes;
5. Tail tag number - used to identify the fish and cross-reference with Landing Card and BFT SD;
6. Weight of the fish, processing condition - used to cross-reference landing card information and collect economic information;
7. Nature of sale (dockside or consignment) - used in assessing the relative importance of the Japanese and U.S. domestic markets;
8. Price per unit of weight - important for evaluating economic characteristics of the fishery;
9. Quality rating and condition - assists in determining how regulations affect price of BFT;
10. Destination of fish (domestic, export) - used for assessing importance of foreign market and identifying variables that can affect all markets.

The third biweekly form monitors international trade of BFT, SBFT, BET, and SWO. This information is used to cross-check and verify SD data as well as obtain economic information which is essential for domestic management policy and rulemaking with respect to management impacts on prices. The following information is required on the HMS International Trade Biweekly (Attachment 12):

1. Dealer Name;
2. HMS International Trade Permit number, contact name and phone number;
3. Report time period;
4. For each shipment/fish:
 - a. Statistical document and re-export certificate (if applicable) number - cross checks trade documentation;
 - b. Date of import or export;

- c. Entry number from US customs form 7501 (import only) - allows for cross check of trade data with customs data;
- d. Total weight of shipment (import only) - cross check with trade data;
- e. Species;
- f. Condition (fresh or frozen) and product form (round, headed, gutted, steaks, fillets, loins, dressed) - used to assess how regulations and other factors affect ex-vessel prices and gross revenues;
- g. Weight of each fish (if available) - used to estimate gross revenues and cross-check trade data;
- h. Price per weight unit - used to evaluate the status of the market and gross revenues;
- i. Tag number (if applicable) - cross checked with trade data for verification
- j. Destination of fish (domestic, export, re-export) - cross checks with trade data and customs data.
- k. State/landing document # - cross check used for non-government validation

Statistical Documents and Re-export Certificates

Original SDs accompany each export and must stay with a shipment until it reaches its final destination. If the shipment is re-exported, then a re-export certificate (RXC) is also attached. The documents are collected by NOAA Fisheries and the information is forwarded to ICCAT or IATTC which can then compare the data collected from all participating nations to cross-reference and verify trade and landings data. The program is designed to account for all trade of the covered species. Trade data may be cross-referenced with each nation's landings quotas to help identify illegal or unreported landings.

A SD is considered completed and approved for import, export, or re-export if it is identified by a number assigned by the issuing government and has all of the required information recorded, and, if applicable, is validated. U.S. SDs will be available from NOAA Fisheries to accompany exports from the United States. Imports to the United States must be accompanied by a SD issued by the flag country of the harvesting vessel. If needed, foreign exporters may obtain unnumbered SDs from the appropriate website (www.iccat.org; www.iattc.org; www.ccsbt.org; www.iotc.org) to accompany exports to the United States; a document number must be assigned by the country issuing the SD. U.S. importers are required to complete the import section of the foreign SD. Sample SDs and RXCs are included in Attachments 4,5, and 7.

The following information is required on all SDs and is used for tracking the product unless otherwise noted:

- (1) The document number assigned by the country issuing the document.
- (2) The name of the country issuing the document, which must be the country whose flag vessel harvested the fish, regardless of where it is first landed.
- (3) The name of the vessel that caught the fish and the vessel's registration number, if applicable.
- (4) The point of export, which is the city, state or province, and country from which the fish is first exported.
- (5) The product type (fresh or frozen) and product form (round, gilled and gutted, dressed, fillet, or other).

- (6) The method of fishing used to harvest the fish (e.g., purse seine, trap, rod and reel) - used to gather socio-economic data on fishery regarding catch per sector.
- (7) The ocean area from which the fish was harvested (i.e., western Atlantic, eastern Atlantic, Mediterranean, or Pacific).
- (8) The weight of each fish (in kilograms for the same product form previously specified) or the net weight of each product type, as applicable.
- (9) The name and license number of, and signature of the exporter and date in the exporter's certification block.
- (10) The name and title of, and signature and date in the validation block by, a responsible government official of the country whose flag vessel caught the fish (regardless of where the fish are first landed) or by an official of an institution accredited by said government, with official government or accredited institution seal affixed, thus validating the information on the statistical document. (NOTE: Validation of an imported SD by a government official is not required if NOAA Fisheries waives the requirement following a recommendation of the ICCAT Secretariat.)
- (11) If applicable, the name(s) and address(es), including the name of the city and state or province of import, and the name(s) of the intermediate country(ies) or the name of the country of final destination, and license number(s) of, and signature and date in the importer's certification block by each intermediate dealer and final importer.

Bluefin Tuna Statistical Documents. Bluefin tuna statistical documents, to be deemed complete, in addition to the elements above must also state :

- (1) The name of the owner of the trap that caught the fish, if applicable.
- (2) The identifying tag number, if landed by vessels from countries with BSD tagging programs or tagged by a U.S. dealer under the Atlantic BFT tagging program.

Southern Bluefin Tuna Statistical Documents. Southern bluefin tuna statistical documents, to be deemed complete, in addition to the elements above, must also state:

- (1) The name and address of the processing establishment, if applicable.

Bigeye Tuna Statistical Documents. Bigeye tuna statistical documents, to be deemed complete, in addition to the elements above, must also state:

- (1) The name of the owner of the trap that caught the fish, if applicable.
- (2) The net weight of product for each product type (in kilograms for the same product form previously specified).

Swordfish Statistical Documents. Swordfish statistical documents, to be deemed complete, in addition to the elements above must state:

- (1) Certification by the exporter that the individual Atlantic swordfish included in the shipment are greater than 15 kilograms (33 lbs.) or if pieces, that the pieces were derived from a swordfish weighing more than 15 kilograms (33 lbs).

The following information is required on all RXCs and is used for tracking the product unless otherwise noted:

- (1) The document number assigned by the country issuing the document.

- (2) The name of the country issuing the document, which must be the country through which the product is being re-exported.
- (3) The point of re-export, which is the city, state, or province, and country from which the product was re-exported.
- (4) The description of the fish product as imported, including the product type (fresh or frozen), product form (round, gilled and gutted, dressed, fillet, or other), the net weight, flag country of the vessel that harvested the fish in the shipment, and the date of import to the country from which it is being re-exported.
- (5) The description of the fish product as re-exported, including the product type (fresh or frozen), product form (round, gilled and gutted, dressed, fillet, or other) and the net weight.
- (6) The name and license number (if applicable) of, and re-exporter's signature and date in the re-exporter's certification block.
- (7) If applicable, the name and title of, and be signed and dated in the validation block by, a responsible government official of the re-exporting country appearing on the certificate, or by an official of an institution accredited by said government, with official government or accredited institution seal affixed, thus validating the information on the re-export certificate. (NOTE: Validation of a RXC by a government official is not required if NOAA Fisheries waives the requirement based on a recommendation from the ICCAT secretariat.)
- (8) If applicable, the name(s) and address(es), including the name of the city and state or province of import, and the name(s) of the intermediate country(ies) or the name of the country of final destination, and license number(s) of, intermediate and final exporters, signed and dated in the importer's certification block.

Non-governmental Validation - NOAA Fisheries has worked with international dealers to develop an alternative approach for the ICCAT/IATTC requirement for government validation. Under this approach, NOAA Fisheries authorizes non-governmental industry partners to perform validation once they have met the necessary requirements. In order to apply for authorization, the industry must apply in writing to the NOAA Fisheries regional director, and indicate the procedures to be used for verification of information to be validated, list the names, addresses, and phone/fax numbers of individuals to perform validation, and provide an example of the stamp or seal to be applied to the statistical document or re-export certificate. Upon approval, NOAA Fisheries will issue a letter specifying the duration of effectiveness and conditions of authority for validation. Authorization must be renewed annually.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

Reporting forms under this collection will be electronically form-fillable except for the statistical documents and re-export certificates; however, the documents must be submitted via U.S. mail. Statistical documents are individually numbered, and NOAA Fisheries does not yet have the ability to provide electronic access to pre-numbered forms. The use of electronic submissions for all forms is being investigated. Currently ICCAT requires that hard copies of documents are submitted. Future availability of electronic form submissions would reduce the overall cost and

administrative burden to the public by providing an internet accessible web page where the forms can be filled out and submitted electronically.

4. Describe efforts to identify duplication.

A Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA) was prepared to analyze the impacts of the new requirements in the package. None of the reporting requirements are duplicative. Although landing cards, biweeklies, and statistical documents may include some of the same data fields, this information is necessary to cross reference and cross check reports. NOAA Fisheries has attempted to combine statistical documents with other reporting requirements into a single form in the past; however, ICCAT did not approve the use of forms other than those developed specifically by ICCAT. NOAA Fisheries has been able to combine several non-ICCAT reporting requirements to reduce the number of forms dealers must fill out (i.e. HMS International Trade Biweekly covers all affected species).

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Small businesses will be the respondents of this data collection and this collection will not have a significant impact on them. As described in Item 4, reporting requirements have been condensed as much as possible. In addition, electronic reporting will be implemented as discussed in Item 3.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Atlantic BFT Landing Cards and Tagging - If reporting were conducted less frequently or not conducted at all, the United States could overharvest its internationally approved BFT quota, and would fall out of compliance with its international obligations under ICCAT, in violation of ATCA. In addition, the status of the resource would be indeterminable since approximately 55 percent of the western Atlantic BFT catch is landed by U.S. fishermen, and the conservation and management objectives of ATCA and ICCAT would be jeopardized. Furthermore, it would be impossible for the United States to formulate domestic policy consistent with the Magnuson-Stevens Act, which is based on sound socio-economic and biological data and analyses.

Biweeklies - A two-week time period has provided a reasonable reporting regime for dealers without significantly delaying quota monitoring for species such as sharks and swordfish. If reporting were less frequent (e.g. monthly), timely quota monitoring could be compromised. Inefficient quota monitoring or altogether loss of monitoring could result in over-harvest of the United States' internationally based swordfish or BFT quota, which would violate obligations under ICCAT and ATCA. Over-harvest of HMS quotas (including sharks) could negatively impact stocks and the fishing industry, and violate the Magnuson-Stevens Act. Lastly, this information is necessary for the development of domestic policy, since it provides socio-economic and biological data upon which policy decisions are based.

Statistical Documents and Re-export Certificates - If this information collection were not conducted, the United States would fall into a status of non-compliance with its international obligations under ICCAT and IATTC, in violation of ATCA and TCA, respectively.

Without the option for non-government validation, NOAA Fisheries would be required to individually validate each export and re-export, which would impose a greater reporting burden on industry. If authorization were not renewed annually, in the same manner that dealer and vessel permits are annually renewed, NOAA Fisheries would not be able to effectively monitor implementation of the trade program.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The frequency with which data are collected in this package is inconsistent with OMB guidelines that state “do not require respondents to report information more often than quarterly.” NOAA Fisheries recognizes that in order to accurately monitor the domestic quota allocation among a diverse group of users, BFT landing data must be collected on a real-time basis. Furthermore, biweekly reports are necessary to manage other quotas, including sharks, swordfish, and king mackerel. Failure to maintain the current reporting frequency could jeopardize the agency’s ability to close fisheries prior to exceeding a quota. (See Item 6 also regarding reporting frequency).

Consistent with the last renewal of OMB approval for the BFT SD forms (0648-0040), it is requested that the burden statement and expiration date not appear on any SD or RXC form, but be provided in a cover letter to U.S. tuna dealers and importers. A sample cover letter is included as Attachment 16. In addition, the OMB approval number will not be printed on these forms, except for the BFT SD (as indicated below). The reason for this request stems from concerns expressed by other ICCAT members that U.S. SDs not differ from the format agreed to at the conference of parties. Due to the confusion the PRA information presents to foreign dealers and customs officials, in the last renewal package for this collection, NOAA Fisheries proposed to provide this information in a cover letter so that the form would match the generic form adopted by ICCAT. In addition, SDs and RXCs for SWO, BET and SBT are available to dealers either from NOAA Fisheries or from the internet websites of the different international commissions (ICCAT, IATTC, CCSBT, IOTC). NOAA Fisheries wants dealers to be able to access the forms directly from these websites. The required PRA information will be provided to all U.S. dealers in the form of a cover letter including instructions, approval number, expiration date and the burden statement. Since all U.S. dealers will be required to have an international trade permit in order to import and/or export species requiring SDs, NOAA Fisheries will be able to ensure that each dealer receives the cover letter. This will meet NOAA Fisheries obligations under the PRA while reducing the likelihood of delays/problems in clearing customs in countries that are contracting parties to ICCAT.

NOAA Fisheries already has a process in place for BFT SDs whereby individually numbered SDs are allocated to each dealer. The OMB number is printed on each form, and the rest of the PRA information is included in a cover letter.

The BFT Landing card (Attachment 8) is part of an optical character recognition (OCR) system which reads data from a hard copy and puts it in electronic format. Any text in addition to that required for data fields would compromise the OCR system. However, these landing cards are distributed in a booklet form, and the booklet cover includes all the necessary PRA statements, including the OMB approval number and expiration date (Attachment 9).

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The Federal Register notice that solicited public comment on this collection is attached (Attachment 13). No public comments were received in response to this notice. The HMS Advisory Panel was briefed about the international trade program at the February 2003 annual meeting. Comments regarding implementation of these reporting requirements will also be solicited during the comment period for the proposed rule and draft RIR/IRFA.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are to be offered as part of this information collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Pursuant to Section 402(b) of the Magnuson-Stevens Act, and consistent with NOAA Administrative Order 216-100 (Confidentiality of Fisheries Statistics), the Agency does not release confidential information submitted in compliance with provisions of the Act, other than in aggregate form and under circumstances required or authorized by law. Whenever data are requested or released to the general public, the Agency ensures that information on the pecuniary business activity of a dealer is not identified.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No information of a sensitive nature is requested in this collection of information.

12. Provide an estimate in hours of the burden of the collection of information.

As discussed earlier, this collection consists of dealer reporting requirements that are either new, renewed, modified and transferred from another collection, or transferred from another

collection without modification (Table 1). Burden hours associated with each reporting instrument is given in Table 2 and estimation of burden hours is discussed below by reporting requirement. All reports covered by this collection are required to be kept by the dealer for a period of 2 years. The burden hour estimate for each report includes the time required for filing and storing reports.

Table 2. Burden estimates for each dealer reporting instrument employed by this collection.

Reporting Requirement	Burden
HMS International Trade and Domestic Biweeklies	0.25 hrs (15 mins)
Statistical Document (SD) or Re-export Certificate (RXC) (includes all steps from export to import)	0.08 hrs (5 mins.)
SD/RXC validation by govt. official	2 hrs (120 mins.)
Landing Card	0.03 hrs (2 mins.)
Tagging (for BFT domestic landing reporting)	0.02 hrs (1 min.)
Negative Reporting (HMS domestic biweekly)	0.05 hrs (3 mins.)

The universe of respondents for this collection is included in Table 3. All U.S. dealers participating in international trade for swordfish, bigeye, and/or bluefin tuna must obtain a new HMS International Trade Permit (HMS ITP)(addressed under 0648-0327). The estimated number of HMS ITP dealers includes all active Atlantic tuna dealers (approximately 522) and Pacific bluefin tuna dealers (approximately 50). Shark and swordfish dealers are also respondents under this collection since NOAA Fisheries SER's HMS biweekly reporting form is being transferred to this collection, and shark and domestic swordfish dealers are not covered under the HMS ITP. Finally, an estimated number of international dealers is given since burden hours must be calculated for international respondents as well as domestic respondents. Foreign dealers impacted by this collection include exporters that must fill out statistical documents & obtain validation prior to exporting a shipment to the United States. The number of foreign respondents was calculated by identifying the number of countries exporting BET (40), BFT, (20), SBT (4) or SWO (29) to the United States, and assuming that there were approximately 10 active exporters per country.

Table 3. Estimate of total number of respondents for this collection

Respondent Type	Number
HMS International Trade Permits	960*
Foreign Dealers	930
Shark & Swordfish Permits	144
Non-government Institutions for Validation	10

Respondent Type	Number
TOTAL	2044

* estimated number includes domestic-only dealers for Atlantic bluefin and all Atlantic BAYS (bigeye, albacore, yellowfin, skipjack) tuna dealers

Atlantic BFT Landing Cards and Tagging

Atlantic BFT landing card and tagging requirements are being transferred to this collection from 0648-0239 without modification. Landing cards are submitted to NMFS for each Atlantic BFT purchased by a dealer from a vessel, and each of these fish must be tagged. The burden associated with these reporting activities is based on the previous number of BFT landed per year and summarized in Table 4.

Table 4. Biweekly and other dealer reporting activities for this collection.

Instrument or Activity (previous PRA package)	Responses	Burden (hrs.) per response	Burden (hrs)
Domestic BFT Landings			
Atlantic BFT Landing Card (0648-0239)	6083	.03	182
Atlantic BFT Landing tag (0648-0239)	6083	.02	121
Biweekly & Other Reports			
Bluefin Tuna Domestic Landing Biweekly (transferred from 0648-0239)	683	.25	171
HMS International Trade Biweekly (modified from 0648-0013 & 0648-0239)	23,040	.25	5760
SER HMS biweekly landings report for sharks, swordfish & BAYS tuna (0648-0013)	3344	.25	836
SER HMS biweekly negative reporting (0648-0013)	4220	.05	211
Non-governmental validation authorization (0648-0040)	10	2	20
TOTAL	43,463		7,301

Biweekly Reports and Non-governmental Validation

Biweekly reporting for Atlantic BFT dealers will be transferred to this collection from 0648-0239. In 2001, approximately 683 biweekly reports were submitted. Assuming a similar number of reports are submitted in the future, the total reporting burden would be 171 hours.

Biweekly reporting for HMS species (other than BFT) purchased from domestic vessels will be transferred into this collection from 0648-0013. The transferred requirements include biweekly reporting for swordfish, sharks, BAYS tuna and coastal pelagics as well as negative reporting

when permitted dealers do not receive landings of these species during a reporting period. A description of estimation for burden hours is given in the previous collection (0648-0013) and burden hours are summarized in Table 4.

In addition to the actual trade-tracking documents and associated validation, biweekly reports recording import/export activity are required by NOAA Fisheries. These reports provide additional information including price data and are used as a cross-reference for trade tracking information. Dealer biweeklies are also required to summarize purchases from domestic vessels of HMS species including swordfish, sharks, and BAYS and bluefin tuna.

The international trade biweekly reporting requirements for this collection include new requirements for bigeye import, export and re-export, and swordfish export. Biweekly reporting of swordfish imports will be transferred into this collection (from 0648-0363), along with biweekly reporting for Atlantic & Pacific bluefin tuna import, export, and re-export (from 0648-0239). Reporting will occur on the HMS International Trade Biweekly. Estimation of burden hours associated with this form was calculated by multiplying the number of dealers that must report (960) by the number of reporting periods (24) in Table 4.

Non-government institutions may apply for authorization to validate statistical documents or re-export certificates by applying in writing, indicating the procedures to be used for verification of information to be validated, the names and contact information of individuals that will perform the validation, and an example of the stamp or seal applied to the statistical document or re-export certificate. Authorizations must be renewed on an annual basis. Currently one institution has been provided with validation authority under the Pacific BFT SD program. With the increase in need for validation based on the expansion of SD programs, it is estimated that approximately 9 other institutions may apply for this authority for a total of 10. Preparing the necessary application is expected to take approximately 2 hours. Total burden hours is given in Table 4.

Total reporting burden for Atlantic BFT domestic reporting, all biweeklies, and non-governmental authorization for statistical document validation is estimated at **7301 hours** with an estimated opportunity cost of \$15/hour, this results in an approximate cost of **\$109,515**.

Statistical Documents and Re-export Certificates

New trade tracking reporting requirements include the implementation of a SD and RXC program for BET, SBT and SWO, a RXC for BFT, and validation for exports and re-exports of BET, SBT, BFT and SWO (Table 1). A similar type of trade-tracking document, the SWO certificate of eligibility (approved under 0648-0363), will be modified into the SD for SWO. The BFT SD and associated validation for exports and re-exports will be renewed.

ICCAT requires that exports associated with its SD programs are validated to ensure that the shipment contents match the accompanying SD. This validation requirement is implemented by either tagging each fish in a shipment and maintaining the necessary records, or obtaining verification from a government official or their designee. The tagging option is currently available for Atlantic and Pacific BFT. In order to ensure burden hours are not underestimated,

this collection assumed that validation for all exports and re-exports would be through government certification since this is the method with the greatest associated burden (Table 2). One exception occurs for domestically landed Atlantic BFT, which are tagged upon landing to satisfy other reporting requirements (see above). These tags are also used to satisfy ICCAT's validation requirement for U.S. exports of Atlantic BFT. The burden associated with BFT tagging is estimated above. Another exception is for validation by non-governmental entities, discussed above.

Burden estimates for SDs, RXCs, and validation are calculated in Table 5. The annual number of shipments by species for each trade activity (import/export/re-export) was estimated based on data obtained from Customs Service and Census databases. Customs data track total imports, and provide the total annual weight and number of shipments for each species. This information was used to calculate the average weight of each shipment. Total weight for imports, exports, and re-exports by species is available in the Census database, (which is generally considered to be more accurate than the customs database). By dividing the total weight (Census data) by weight per shipment (Customs data) the total number of shipments per species was estimated and is given in Table 5. The total burden associated with statistical documents, re-export certificates and validation is **37,592 hours**. Using \$15/hour as the opportunity cost, the reporting cost is estimated at **\$563,880**.

Table 5. International dealer trade reporting burden estimates for bigeye tuna (BET), bluefin tuna (BFT), southern bluefin tuna (SBT) and swordfish (SWO) statistical documents (SD), re-export certificates (RXC), and shipment certification. Estimates are given by species for imports (I), exports (E) and re-exports (R) and by coast (Atlantic - A, Pacific - P) for bluefin tuna..

Activity	# of SDs or RXCs (based on # of shpmnts for 2001)	SD/RXC Response Burden (.08 hrs per form)	Validation Burden (2 hrs per shipment)		TOTAL HOURS
			Domestic	Foreign	
BET					
I	6663	533		13,326	13,859
E	163	13	326		339
R	1106	88	2212		2300
BFT (Atlantic/Pacific)					
I (A)	618	49		1,236	1285
E (A)	974	78	N/A ¹		78
R (A)	11	1	22		23
I (P)	49	4		98	102
E (P)	167	13	334		347

Activity	# of SDs or RXCs (based on # of shpmnts for 2001)	SD/RXC Response Burden (.08 hrs per form)	Validation Burden (2 hrs per shipment)		TOTAL HOURS
			Domestic	Foreign	
R (P)	4	1	8		9
SBT					
I	579	46		1158	1204
R	12	1	24		25
SWO					
I	8664	693		17,328	18,021
E	0	0	0		0
R	0	0	0		0
TOTAL	13,010	1,519	2,926	33,146	37,592

¹Domestically landed BFT are required to be tagged, which is used for certification of exports. Burden hours are calculated under the domestic portion of this collection (Table 4).

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

Costs for the public as a result of this collection include the cost of submitting reports to NOAA Fisheries via either U.S. mail or FAX. Forms and tags are provided free of charge. Mailing costs are estimated in Table 6. In addition, non-government institutions approved for validating exports would spend approximately \$10 for a validation stamp and total costs are estimated in Table 6.

Table 6. Costs to the public as a result of this collection, not including those associated with burden hours.

Reporting Instrument	Number	Submission		Total Cost (\$)
		Method	Cost per Item (\$)	
Atlantic BFT Landing Card	6083	FAX	.15	912
Atlantic BFT Landing Biweekly	683	mail	.37	253
SER HMS biweekly landings report	3344	mail	.37	1237
SER HMS biweekly negative reporting	4220	mail	.37	1561
HMS International Trade Biweekly	23,040	mail	.37	8525
SDs & RXCs	13,010	mail	.37	4813

Reporting Instrument	Number	Submission		Total Cost (\$)
		Method	Cost per Item (\$)	
Non-governmental validation auth. (Total cost includes \$10/dealer for valid. stamp)	10	mail	.37	207
TOTAL	50,390			\$17,408

14. Provide estimates of annualized cost to the Federal government.

Costs to the Federal government for this collection include the reproduction of documents and tags. For domestic reporting, landing cards, tags, and biweeklies must be reproduced. Landing card (daily report) books cost approximately \$5.06/book and approximately 522 (number of dealers with Atlantic tuna permits) will be needed for a total of **\$2,641**. Tags cost approximately 7.5 cents per tag and approximately 6,083 will be needed for a total of **\$456**. Biweeklies cost approximately \$.05 per copy and approximately 23,040 will be needed for a total of **\$1,152**.

For international reporting, SDs and RXCs must be reproduced. At a cost of approximately \$.13 per copy and a total number of approximately 13,010 the total cost would be approximately **\$1,691**.

Total cost to the Federal government for the items listed above is **\$5,940**.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

Program Adjustment - A total of 50 respondents, 1550 responses and 390 hours were approved previously for this collection when it consisted of Atlantic and Pacific BFT statistical documents, including validation. The total number of respondents for this portion of the package (50) is not expected to change. An adjustment of an additional **258** responses is necessary because better information was available upon which to base the current estimate. Data from the previous collection also provided an improved estimate of burden hours which results in an adjusted increase of **89 hours** (479 hours total) for the current request.

Costs for the previous approval and this portion of the current collection were \$511.50. There is an adjustment for costs of + \$157.46 due to additional responses and postage increases from the previous collection.

Program Change - A number of reporting requirements were transferred to this collection from other collections or added as new requirements (see Table 1). The number of respondents, number of responses, and associated burden hours for the previous PRA packages of the transferred requirements is given in Table 7. Under this collection, the addition of new and transferred reporting requirements is **44,414** hours.

Program changes result in an increase in costs for this collection of **\$17,508**. These changes include the additional reporting requirements that have been added and the associated postage costs and the cost for stamps for non-government validation.

Table 7. Burden hours transferred to this collection from other collections.

Previous Collection	Respondents	Responses	Burden (Hours)
0648-0239	575	14,464	526
0648-0363	204	5700	5700
0648-0013 SWO Import	480	1305	370
HMS SWO/Shark	144	2300	575
HMS SWO/Shark neg. rep.	-	1160	58
HMS BAYS Tuna	320	1044	227
HMS BAYS neg. rep.	300	3060	153
TOTAL	2023	29,033	7609

16. For collections whose results will be published, outline the plans for tabulation and publication.

Results from data collection using the forms in this family are not planned for publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

See number 7 regarding a request not to display the OMB number and expiration date on statistical documents, re-export certificates, or the BFT landing card. The expiration date will be displayed on other forms.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions to the certification statement identified in Item 19 of the OMB 83-I.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods such as sampling.

List of Attachments:

- Attachment 1 - Magnuson-Stevens Fishery Management and Conservation Act excerpts
- Attachment 2 - ATCA
- Attachment 3 - ICCAT Recommendation for BFT Re-export Certificate
- Attachment 4 - ICCAT Recommendation for BET Statistical Document and Re-export Certificate
- Attachment 5- ICCAT Recommendation for SWO Statistical Document and Re-export Certificate
- Attachment 6 - TCA
- Attachment 7 - IATTC BET Recommendation
- Attachment 8 - Landing card
- Attachment 9 - Cover of dealer logbook for Landing Cards
- Attachment 10 - SER domestic HMS biweekly form
- Attachment 11 - BFT Landing and Export biweekly & Instructions
- Attachment 12 - HMS IT Biweekly
- Attachment 13 - Federal Register Notice
- Attachment 14 - CCSBT BET Statistical document
- Attachment 15 - 50 CFR 635.5 HMS Dealer Reporting Regulations
- Attachment 16 - Sample Cover Letter

Magnuson-Stevens Fishery Conservation and Management Act

Public Law 94-265

As amended through October 11, 1996

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) REQUIRED PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

(c) PROPOSED REGULATIONS.--Proposed regulations which the Council deems necessary or appropriate for the purposes of--

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.

Sec. 971d. Administration

- (a) Regulations; cooperation with other parties to Convention; utilization of personnel, services, and facilities for enforcement

The Secretary is authorized and directed to administer and enforce all of the provisions of the Convention, this chapter, and regulations issued pursuant thereto, except to the extent otherwise provided for in this chapter. In carrying out such functions the Secretary is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this chapter, and with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the government of any party to the Convention. In addition, the Secretary may utilize, with the concurrence of the Secretary of the department in which the Coast Guard is operating insofar as such utilization involves enforcement at sea, with or without reimbursement and by agreement with any other Federal department or agency, or with any agency of any State, the personnel, services, and facilities of that agency for enforcement purposes with respect to any vessel in the exclusive economic zone, or wherever found, with respect to any vessel documented under the laws of the United States, and any vessel numbered or otherwise licensed under the laws of any State. When so utilized, such personnel of the States of the United States are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Director of the Office of Personnel Management.

- (b) Primary enforcement responsibility

Enforcement activities at sea under the provisions of this chapter for fishing vessels subject to the jurisdiction of the United States shall be primarily the responsibility of the Secretary of the department in which the Coast Guard is operating, in cooperation with the Secretary and the United States Customs Service. The Secretary after consultation with the Secretary of the department in which the Coast Guard is operating, shall adopt such regulations as may be necessary to provide for procedures and methods of enforcement pursuant to article IX of the Convention.

- (c) Regulations and other measures to carry out Commission recommendations

- (1)

- (A) Upon favorable action by the Secretary of State under section [971c](#)(a) of this title on any recommendation of the Commission made pursuant to article VIII of the Convention, the Secretary shall promulgate, pursuant to this subsection, such regulations as may be necessary and appropriate to carry out such recommendation.
- (B) Not later than June 30, 1991, the Secretary shall promulgate any additional regulations necessary to ensure that the United States is in full compliance with all recommendations

made by the Commission that have been accepted by the United States and with other agreements under the Convention between the United States and any nation which is a party to the Convention.

- (C) Regulations promulgated under this paragraph shall, to the extent practicable, be consistent with fishery management plans prepared and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).
- (2) To promulgate regulations referred to in paragraph (1) of this subsection, the Secretary shall publish in the Federal Register a general notice of proposed rulemaking and shall afford interested persons an opportunity to participate in the rulemaking through (A) submission of written data, views, or arguments, and (B) oral presentation at a public hearing. Such regulations shall be published in the Federal Register and shall be accompanied by a statement of the considerations involved in the issuance of the regulations, and by a statement, based on inquiries and investigations, assessing the nature and effectiveness of the measures for the implementation of the Commission's recommendations which are being or will be carried out by countries whose vessels engage in fishing the species subject to such recommendations within the waters to which the Convention applies. After publication in the Federal Register, such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary shall prescribe. The Secretary shall suspend at any time the application of any such regulation when, after consultation with the Secretary of State and the United States Commissioners, he determines that fishing operations in the Convention area of a contracting party for whom the regulations are effective are such as to constitute a serious threat to the achievement of the Commission's recommendations.
- (3) The regulations required to be promulgated under paragraph (1) of this subsection may -
 - (A) select for regulation one or more of the species covered by the Convention;
 - (B) divide the Convention waters into areas;
 - (C) establish one or more open or closed seasons as to each such area;
 - (D) limit the size of the fish and quantity of the catch which may be taken from each area within any season during which fishing is allowed;
 - (E) limit or prohibit the incidental catch of a regulated species which may be retained, taken, possessed, or landed by vessels or persons fishing for other species of fish;
 - (F) require records of operations to be kept by any master or other person in charge of any fishing vessel;
 - (G) require such clearance certificates for vessels as may be necessary to carry out the purposes of the Convention and this chapter;
 - (H) require proof satisfactory to the Secretary that any fish subject to regulation pursuant to a recommendation of the

Commission offered for entry into the United States has not been taken or retained contrary to the recommendations of the Commission made pursuant to article VIII of the Convention which have been adopted as regulations pursuant to this section;

- (I) require any commercial or recreational fisherman to obtain a permit from the Secretary and report the quantity of the catch of a regulated species;
 - (J) require that observers be carried aboard fishing vessels for the purpose of providing statistically reliable scientific data; and
 - (K) impose such other requirements and provide for such other measures as the Secretary may determine necessary to implement any recommendation of the Convention or to obtain scientific data necessary to accomplish the purpose of the Convention; except that no regulation promulgated under this section may have the effect of increasing or decreasing any allocation or quota of fish or fishing mortality level to the United States agreed to pursuant to a recommendation of the Commission.
- (4) Upon the promulgation of regulations provided for in paragraph (3) of this subsection, the Secretary shall promulgate, with the concurrence of the Secretary of State and pursuant to the procedures prescribed in paragraph (2) of this subsection, additional regulations which shall become effective simultaneously with the application of the regulations provided for in paragraph (3) of this subsection, which prohibit -
 - (A) the entry into the United States of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission; and
 - (B) the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area.
 - (5) In the case of repeated and flagrant fishing operations in the Convention area by the vessels of any country which seriously threaten the achievement of the objectives of the Commission's recommendations, the Secretary with the concurrence of the Secretary of State, may by regulations promulgated pursuant to paragraph (2) of this subsection prohibit the entry in any form from such country of other species covered by the Convention as may be under investigation

by the Commission and which were taken in the Convention area. Any such prohibition shall continue until the Secretary is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry.

- (6) Identification and notification. -
 - (A) Not later than July 1, 1996, and annually thereafter, the Secretary, in consultation with the Secretary of State, the Commissioners, and the advisory committee, shall -
 - (i) identify those nations whose fishing vessels are fishing, or have fished during the preceding calendar year, within the convention area in a manner or under circumstances that diminish the effectiveness of a conservation recommendation;
 - (ii) notify the President and the nation so identified, including an explanation of the reasons therefor; and
 - (iii) publish a list of those Nations identified under clause
 - (i) notify the President and the nation so identified,
 - (B) In identifying those Nations, the Secretary shall consider, based on the best available information, whether those Nations have measures in place for reporting, monitoring, and enforcement, and whether those measures diminish the effectiveness of any conservation recommendation.
 - (7) Consultation. - Not later than 30 days after a Nation is notified under paragraph (6), the President may enter into consultations with the Government of that Nation for the purpose of obtaining an agreement that will -
 - (A) effect the immediate termination and prevent the resumption of any fishing operation by vessels of that Nation within the Convention area which is conducted in a manner or under circumstances that diminish the effectiveness of the conservation recommendation;
 - (B) when practicable, require actions by that Nation, or vessels of that Nation, to mitigate the negative impacts of fishing operations on the effectiveness of the conservation recommendation involved, including but not limited to, the imposition of subsequent-year deductions for quota overages; and
 - (C) result in the establishment, if necessary, by such Nation of reporting, monitoring, and enforcement measures that are adequate to ensure the effectiveness of conservation recommendations.
- (d) Recommended Commission actions regarding large-scale driftnet fishing and conservation of Atlantic swordfish
 - (1) It is the sense of the Congress that the Secretary, in consultation with the Secretary of

State, should seek support for a recommendation by the Commission to ban large-scale driftnet fishing (as that term is defined in section [3](#)(16) [11](#) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(16))) in the Convention area.

- (2) The Secretary, in consultation with the Secretary of State, shall request the Commission to adopt recommendations necessary for the conservation and management of Atlantic swordfish. In making the request, the Secretary shall seek the establishment of an international minimum harvest size and a reduction in harvest levels to the extent necessary to conserve the stock. Until the Commission adopts all the conservation and management measures requested by the Secretary, the Secretary, within 3 months after each annual meeting of the Commission, shall notify Congress as to the nature and results of his request. These notifications shall identify those nations not acting to conserve and manage Atlantic swordfish, and recommend measures which could be taken to achieve effective international conservation and management of the stock.
-

- RECOMMENDATION -
IMPLEMENTATION OF BTSD PROGRAM: RE-EXPORTS

**TITLE: *Recommendation by ICCAT Concerning the Implementation of the
ICCAT Bluefin Tuna Statistical Document Program on Re-export***
(Transmitted to Contracting Parties: **December 12, 1997**)

RECOGNIZING that the ICCAT Bluefin Tuna Statistical Document Program has been working quite effectively to collect statistical information on catches of Atlantic bluefin tuna by non-contracting parties, entities or fishing entities;

RECOGNIZING that the need for establishing a re-export system within the ICCAT Bluefin Tuna Statistical Document Program is increasing in Contracting Parties;

ALSO RECOGNIZING that it is necessary to establish a re-export system within the ICCAT Bluefin Tuna Statistical Document Program in order to ensure the smooth international trade of bluefin tuna products without diminishing the effectiveness of the Program, which aims to collect statistical information on catches of Atlantic bluefin tuna through international trade:

BEARING IN MIND that paragraph (d) of the 1994 Resolution by ICCAT Concerning the Effective Implementation of the ICCAT Bluefin Tuna Statistical Document Program requests non-contracting parties, entities or fishing entities which are major importers of bluefin tuna to cooperate with the implementation of the Program and to provide the Commission with data obtained from such implementation:

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

- 1 A Contracting Party shall be free to validate ICCAT Bluefin Tuna Re-export Certificates (a sample is attached as **Attachment 1**) for bluefin tuna imported by that Contracting Party, to which ICCAT Bluefin Tuna Statistical Documents or ICCAT Bluefin Tuna Re-export Certificates are attached. ICCAT Bluefin Tuna Re-export Certificates shall be validated by government organizations or by recognized institutions which are accredited by a Contracting Party's government to validate the ICCAT Bluefin Tuna Statistical Document. A copy of the original Bluefin Tuna Statistical Document accompanying the imported bluefin tuna must be attached to an ICCAT Bluefin Tuna Re-export Certificate. The copy of the original Bluefin Tuna Statistical Document so attached must be verified by that government organization or by that recognized institution accredited by a government which validated the ICCAT Bluefin Tuna Statistical Document. When re-exported bluefin tuna is again re-exported, all copies of documents, including a verified copy of a Statistical Document and Re-export Certificate which accompanied that bluefin tuna upon importation, must be attached to a new Re-export Certificate to be validated by a re-exporting Contracting Party. All copies of the Documents to be attached to that new Re-export Certificate must be also be verified by a government organization or a recognized institution accredited by a government which validated the ICCAT Bluefin Tuna Statistical Document.
- 2 ICCAT Contracting Parties which import bluefin tuna shall accept Re-export Certificates validated in accordance with the procedure set forth in paragraph 1 with attachments of all verified copies as required in paragraph 1.
- 3 ICCAT Contracting Parties that validate Re-export Certificates in accordance with the procedure set forth in paragraph 1 shall require from the re-exporting bluefin dealer necessary documents (e.g. written sales contracts) which are to certify that the bluefin tuna to be re-exported corresponds to the imported bluefin tuna. Contracting Parties which validate Re-export Certificates shall provide flag states and importing states with evidence of this correspondence upon their request.
- 4 Contracting Parties which import re-exported bluefin tuna shall report import data obtained from Re-export Certificates to the Executive Secretary each year by April 1 for the period of July 1 - December 31 of the preceding year and by October 1 for the period of January 1 - June 30 of the current year, which shall be circulated to all Contracting Parties by the ICCAT Executive Secretary. The format of this report shall be that

as described in **Attachment 2**.

- 5 Contracting Parties shall be free to accept Re-export Certificates validated by a non-contracting [party, entity, or fishing entity] which has established an import scheme of the ICCAT Bluefin Tuna Statistical Document Program and implements it in accordance with this recommendation and paragraph (d) of the 1994 Resolution by ICCAT Concerning the Effective Implementation of the ICCAT Bluefin Tuna Statistical Document Program.

DOCUMENT NUMBER	ICCAT BLUEFIN TUNA RE-EXPORT CERTIFICATE			
RE-EXPORT SECTION:				
1. RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY				
2. POINT OF RE-EXPORT				
3. DESCRIPTION OF IMPORTED FISH				
<i>Product F/FR</i>	<i>Type RD/GG/DR/FL/OT</i>	<i>Net Weight (kg)</i>	<i>Flag country/ Entity/Fishing entity</i>	<i>Date of import</i>
F=Fresh, FR=Frozen, RD=Round, GG=Gilled & Guttled, DR=Dressed, FL=Fillet, OT=Other (Describe the type of product)				
4. DESCRIPTION OF FISH FOR RE-EXPORT				
<i>Product F/FR</i>	<i>Type RD/GG/DR/FL/OT</i>	<i>Net Weight (kg)</i>		
F=Fresh, FR=Frozen, RD=Round, GG=Gilled & Guttled, DR=Dressed, FL=Fillet, OT=Other (Describe the type of product)				
5. RE-EXPORTER CERTIFICATION:				
I certify that the above information is complete, true, and correct to the best of my knowledge and belief.				
Name	Address	Signature	Date	License # (if applicable)
6. GOVERNMENT VALIDATION:				
I certify that the above information is complete, true and correct to the best of my knowledge and belief.				
Name & Title	Signature	Date	Government Seal	
IMPORT SECTION:				
IMPORTER CERTIFICATION: I certify that the above information is complete, true and correct to the best of my knowledge and belief.				
Name	Address	Signature	Date	License # (if applicable)
Name	Address	Signature	Date	License # (if applicable)
Name	Address	Signature	Date	License # (if applicable)
(FINAL) POINT OF IMPORT:				
City	State/Province	Country/Entity/Fishing Entity		

NOTE: IF A LANGUAGE OTHER THAN ENGLISH IS USED IN COMPLETING THIS FORM, PLEASE ADD THE ENGLISH TRANSLATION ON THIS DOCUMENT.

ICCAT BLUEFIN TUNA RE-EXPORT CERTIFICATE INSTRUCTION SHEET

Under the framework of the ICCAT Bluefin Tuna Statistical document Program, a request for the establishment of a system enabling re-export was growing recently. In 1997, a Recommendation was adopted to implement the ICCAT Bluefin Tuna statistical Document Program for Re-export. Pursuant to this Recommendation, bluefin tuna dealers who import re-exported*1 bluefin tuna to Japan will be required to submit an ICCAT Bluefin tuna Re-export Certificate*2 to be validated by a government official of the intermediate country or area*3, or by a recognized institution, such as a Chamber of Commerce and Industry, accredited by the government of the intermediate country or area. A copy of the original Bluefin Tuna Statistical Document (BTSD) accompanying the bluefin tuna at the time of importation must be attached to the Re-export Certificate. The copy of the original BTSD so attached must be verified by a government official of the intermediate country or area, or by a recognized institution, such as a Chamber of Commerce and Industry, accredited by the government of the intermediate country or area. When re-exported bluefin tuna are again re-exported*4, all copies of documents, including a verified copy of a BTSD and Re-export Certificate which accompanied that bluefin tuna must be attached to a new Re-export Certificate to be validated by a government official of the last intermediate country or area, or by a recognized institution, such as a Chamber of Commerce and Industry, accredited by the government of the last intermediate country or area. Only bluefin tuna accompanied by a complete and valid Re-export Certificate will be allowed to enter Japan. Shipments of re-exported bluefin tuna accompanied by an improperly documented*5 Re-export Certificate will be considered illegitimate shipments of re-exported bluefin that are contrary to ICCAT conservation efforts, and their entry into Japan will be suspended pending receipt of a properly documented Re-export Certificate.

NOTE:

- *1 “Re-export” means that bluefin tuna passes through a country or an area (tax-exempted areas are excluded) after being exported from the flagship country or the area (tax-exempted areas are excluded) of the fishing vessel which has caught that bluefin tuna.
- *2 Hereinafter called “Re-export Certificate”.
- *3 “An intermediate country or area” means a country or an area through which bluefin tuna pass after being exported from the flagship country or the area (tax-exempted areas are excluded) of the fishing vessel which has caught that bluefin tuna.
- *4 Re-export of bluefin tuna from one Member State of the European Union to another is exempted.
- *5 “Improperly documented” means that the Re-export Certificate is either missing from the shipment, incomplete, invalid, or falsified.

Please use this instruction sheet as a guideline to complete that section of the Bluefin Tuna Re-export Certificate that applies to Exporters, Importers, and Government Validation. If a language other than English is used in completing the form, please add the English translation on the Certificate. NOTE: IF A BLUEFIN TUNA PRODUCT IS RE-EXPORTED DIRECTLY TO JAPAN, WITHOUT FIRST GOING THROUGH AN INTERMEDIATE COUNTRY/ENTITY/FISHING ENTITY, ALL FISH CAN BE IDENTIFIED ON ONE CERTIFICATE. HOWEVER, IF THE BLUEFIN TUNA PRODUCT IS RE-EXPORTED THROUGH AN INTERMEDIATE COUNTRY/ENTITY/FISHING ENTITY (i.e. A COUNTRY/ENTITY/FISHING ENTITY OTHER THAN THE COUNTRY/ENTITY/FISHING ENTITY WHICH IS THE FINAL DESTINATION OF THE PRODUCT), A SEPARATE CERTIFICATE MUST BE PREPARED FOR DIFFERENT FINAL DESTINATIONS OR EACH FISH MAY BE ACCOMPANIED BY A SEPARATE CERTIFICATE TO IDENTIFY ANY POSSIBLE SEPARATION OF SHIPMENTS BY AN INTERMEDIATE COUNTRY/ENTITY/FISHING ENTITY. THE IMPORT OF FISH PARTS OTHER THAN THE MEAT, i.e. HEADS, EYES, ROE, GUTS, TAILS MAY BE ALLOWED WITHOUT THE CERTIFICATE.

INSTRUCTIONS

DOCUMENT NUMBER: Block for the issuing Country/Entity/Fishing Entity to designate a Country/Entity/Fishing Entity coded document number.

(1) RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY

Fill in the name of the Country/Entity/Fishing Entity which re-exports the bluefin tuna in the shipment and issued this Certificate. According to the ICCAT Recommendation, only the re-exporting Country/Entity/Fishing Entity can issue this Certificate.

(2) POINT OF RE-EXPORT

Identify the City/State Province and Country/Entity/Fishing Entity from which the bluefin tuna was re-exported.

(3) DESCRIPTION OF IMPORTED FISH

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms. (3) Flag Country/Entity/Fishing Entity: the name of the Country/Entity/Fishing Entity of the vessel that harvested the bluefin tuna in the shipment. (4) Date of import: Imported date.

(4) DESCRIPTION OF RE-EXPORTED FISH

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms.

(5) RE-EXPORTED CERTIFICATION

The person or company re-exporting the bluefin tuna shipment must provide his/her name, address, signature, date the shipment was re-exported, and re-exporter's license number (if applicable).

(6) GOVERNMENT VALIDATION

Fill in the name and full title of the official signing the Certificate. The official must be in the employment of the competent government authority of the re-exporting Country/Entity/Fishing Entity appearing on the Certificate. This requirement may be waived according to the ICCAT RESOLUTION CONCERNING VALIDATION BY AN GOVERNMENT OFFICIAL OF THE BLUEFIN STATISTICAL DOCUMENT.

(7) IMPORTER CERTIFICATION

The person or company that imports bluefin tuna must provide his/her name, address, signature, date the bluefin tuna was imported, license number (if applicable) and re-exported final point of import. This includes imports into intermediate Countries/Entities/Fishing Entities. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

RETURN A COPY OF THE COMPLETED CERTIFICATE TO: (the name of the office of the competent authority of the re-exporting Country/Entity/Fishing Entity).

**BIANNUAL REPORT OF THE ICCAT BLUEFIN
TUNA RE-EXPORT CERTIFICATE**

Period: _____ to _____, _____
 (Month) (Month) (Year)

Import Country: _____

<i>Flag Country</i>	<i>Re-export Country</i>	<i>Point of Export</i>	<i>Product Type</i>		<i>Product Weight (kg)</i>
			<i>F/FR</i>	<i>RD/GG/DR/FL/OT</i>	

– RECOMMENDATION –
ESTABLISHING BET STATISTICAL PROGRAM

TITLE: *Recommendation by ICCAT Concerning the ICCAT Bigeye Tuna Statistical Document Program*

(Entered into force: **September 21, 2002**)

RECALLING the *Recommendation by ICCAT on Establishing Statistical Document Programs for Swordfish, Bigeye Tuna and Other Species Managed by ICCAT* adopted by the Commission in 2000 in which the full implementation of the program was required by 1 January 2002, or as soon as possible thereafter;

AWARE that there is uncertainty of the catch of Atlantic bigeye tuna and that the availability of trade data would greatly assist in reducing such uncertainty;

RECOGNIZING that Atlantic bigeye tuna is the main target species of IUU fishing operations and that most of the bigeye harvested by such IUU fishing vessels are exported to Contracting Parties, especially to Japan;

RECALLING the *Recommendation by ICCAT Regarding Belize, Cambodia, Honduras, and St. Vincent and the Grenadines Pursuant to the 1998 Resolution Concerning the Unreported and Unregulated Catches of Tuna by Large-scale Longline Vessels in the Convention Area* and the *Recommendation by ICCAT Regarding Equatorial Guinea Pursuant to the 1998 Resolution Concerning the Unreported and Unregulated Catches of Tuna by Large-scale Longline Vessels in the Convention Area* adopted by the Commission in 2000;

RECOGNIZING that the Statistical Document Program is an effective tool to assist the Commission's effort for the elimination of IUU fishing operations;

RECOGNIZING the nature of the international market for Atlantic bigeye tuna;

THE INTERNATIONAL COMMISSION FOR THE
CONSERVATION OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT;

1. Contracting Parties, by July 1, 2002 or as soon as possible thereafter, require that all bigeye tuna, when imported into the territory of a Contracting Party, be accompanied by an ICCAT Bigeye Tuna Statistical Document which meets the requirements described in **Annex 1** or an ICCAT Bigeye Tuna Re-export Certificate which meets the requirements described in **Annex 2**. Bigeye tuna caught by purse seiners and pole and line (bait) vessels and destined principally for the canneries in the Convention area are not subject to this statistical document requirement. The Commission and the Contracting Parties importing bigeye tuna shall contact all the exporting countries to inform them of this program, in advance of implementation of the program.
2. (1) The ICCAT Bigeye Tuna Statistical Document must be validated by a government official, or other authorized individual or institution, of the flag state of the vessel that harvested the tuna, or, if the vessel is operating under a charter arrangement, by a government official or other authorized individual of the exporting state;
- (2) The ICCAT Bigeye Tuna Re-export Certificate must be validated by a government official or other authorized individual of the state that re-exported the tuna; and
- (3) The substitutional measure described in paragraphs A-D of the *Resolution by ICCAT Concerning Validation by a Government Official of the Bluefin Tuna Statistical Document*, adopted by the Commission in 1993, may be applied to the above requirements for both validations in this Bigeye Statistical Document Program. The substitutional measure should also apply *mutatis mutandis* to chartering arrangements as provided in paragraph 2(1) above.
3. Each Contracting Party shall provide to the Executive Secretary sample forms of its statistical document and re-export certificate required with bigeye tuna imports and information on validation in the format specified

in **Annex 4** and inform him of any change in a timely fashion.

4. The Contracting Parties which export or import bigeye tuna shall compile data from the Program.
5. The Contracting Parties which import bigeye tuna shall report the data collected by the Program to the Executive Secretary each year by April 1 for the period of July 1-December 31 of the preceding year and October 1 for the period of January 1-June 30 of the current year, which shall be circulated to all the Contracting Parties by the Executive Secretary. The formats of the report are attached as **Annex 3**.
6. The Contracting Parties which export bigeye tuna shall examine export data upon receiving the import data mentioned in paragraph 5 above from the Executive Secretary, and report the results to the Commission in the national reports.
7. The Contracting Parties should exchange copies of statistical documents and re-export certificates to facilitate the examination mentioned in paragraph 6, consistent with domestic laws and regulations.
8. The Commission shall request Cooperating Non-Contracting Parties, Entities, Fishing Entities to take the measures described in the above paragraphs.
9. The Executive Secretary shall request information on validation from all the non-Contracting Parties fishing and exporting bigeye tuna to Contracting Parties, and request them to inform him in a timely fashion of any changes to the information provided.
10. The Executive Secretary shall maintain and update information specified in paragraphs 3 and 9 and provide it to all the Contracting Parties, and promptly circulate any changes.
11. The Commission shall request the non-Contracting Parties which import bigeye tuna to cooperate with implementation of the Program and to provide to the Commission data obtained from such implementation.
12. Implementation of this Program shall be in conformity with relevant international obligations.
13. At the initial stage of the program, the statistical documents and the re-export certificates will be required for frozen bigeye products. Prior to implementing this Program for fresh products, several practical problems need to be solved, such as guidelines to ensure procedures to handle fresh products at customs.
14. The provisions of the *Recommendation by ICCAT on Validation of the Bluefin Tuna Statistical Documents by the European Community*, adopted by the Commission in 1998, shall apply to the Bigeye Tuna Statistical Document Program for bigeye caught by vessels that fly the flag of a Member State of the European Community.
15. Notwithstanding the provisions of Article VIII, paragraph 2, of the Convention, the Contracting Parties shall implement this recommendation by July 1, 2002 or as soon as possible thereafter in accordance with the regulatory procedures of each Contracting Party.

**Requirements Concerning
the ICCAT Bigeye Tuna Statistical Document**

1. The sample form of the ICCAT Bigeye Tuna Statistical Document shall be as in the **Appendix**.
2. Customs or other appropriate government officials will request and inspect all import documentation including the ICCAT Bigeye Tuna Statistical Document for all bigeye tuna in the shipment. Those officials may also inspect the content of each shipment to verify the information on the document.
3. Only complete and valid documents will guarantee that shipments of bigeye tuna will be allowed to enter the territory of Contracting Parties.
4. Shipments of bigeye tuna that are accompanied by improperly documented Bigeye Tuna Statistical Documents (i.e., improperly documented means that the Bigeye Tuna Statistical Document is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate shipments of bigeye tuna, that are contrary to ICCAT conservation efforts, and their entry will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the territory of a Contracting Party or subject to administrative or other sanction.
5. The import of fish parts other than the meat, i.e., head, eyes, roe, guts, tails may be allowed without the document.

NOTE: If a language other than English is used in completing this form. Please add the English translation on this document.

ICCAT BIGEYE TUNA STATISTICAL DOCUMENT INSTRUCTION SHEET

DOCUMENT NUMBER: Block for the issuing Country/Entity/Fishing Entity to designate a country/entity/fishing entity encoded Document Number.

(1) FLAG COUNTRY/ENTITY/FISHING ENTITY: Fill in the name of the country/entity/fishing entity of the vessel that harvested the bigeye tuna in the shipment and issued this Document. According to the ICCAT Recommendation, only the flag state of the vessel that harvested the bigeye tuna in the shipment or, if the vessel is operating under a charter arrangement, the exporting state, can issue this Document.

(2) NAME OF VESSEL AND REGISTRATION NUMBER (when available): Fill in the name and registration number of the vessel that harvested the bigeye tuna in the shipment.

(3) TRAPS (if applicable): Fill in the name of the trap that harvested the bigeye tuna in the shipment.

(4) POINT OF EXPORT: Identify the City, State or Province, and Country/Entity/Fishing Entity from which the bigeye tuna was exported.

(5) AREA OF CATCH: Check the area of catch. (If (b) or (c) checked, items 6 and 7 below do not need to be filled out.)

(6) DESCRIPTION OF FISH: The exporter must provide, to the highest degree of accuracy, the following information. **NOTE:** One row should describe one product type.

1. Product Type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment.
2. Gear Code: Identify the gear type which was used to harvest the bigeye tuna using the list below. For OTHER TYPE, describe the type of gear, including farming.
3. Net product weight in kilograms.

(7) EXPORTER CERTIFICATION: The person or company exporting the bigeye tuna shipment must provide his/her name, company name, address, signature, date the shipment was exported, and dealer license number (if applicable).

(8) GOVERNMENT VALIDATION: Fill in the name and full title of the official signing the Document. The official must be employed by a competent authority of the flag state government of the vessel that harvested the bigeye tuna appearing on the Document or other individual or institution authorized by the flag state. When appropriate, this requirement is waived according to validation of the document by a government official, or if the vessel is operating under a charter arrangement, by a government official or other authorized individual or institution of the exporting state. The total weight of the shipment shall also be specified in this block. The substitutional measure described in paragraphs A-D of the *Resolution by ICCAT Concerning Validation by a Government Official of the Bluefin Tuna Statistical Document*, adopted by the Commission in 1993, may be applied to the above requirements for the validations in this Bigeye Tuna Statistical Document Program.

(9) IMPORTER CERTIFICATION: The person or company that imports bigeye tuna must provide his/her name, address, signature, date the bigeye was imported, license number (if applicable), and final point of import. This includes imports into intermediate countries, entities or fishing entities. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

GEAR CODE:

<i>Gear Code</i>	<i>Gear Type</i>
BB	BAITBOAT
GILL	GILLNET
HAND	HANDLINE
HARP	HARPOON
LL	LOGLINE
MWT	MID-WATER TRAWL
PS	PURSE SEINE
RR	ROD AND REEL
SPHL	SPORT HANDLINE
SPOR	SPORT FISHERIES UNCLASSIFIED
SURF	SURFACE FISHERIES UNCLASSIFIED
TL	TENDED LINE
TRAP	TRAP
TROL	TROLL
UNCL	UNSPECIFIED METHODS
OT	OTHER TYPE

RETURN A COPY OF COMPLETED DOCUMENT TO: (the name of the office of the competent authority of the flag state).

**Requirements Concerning
the ICCAT Bigeye Tuna Re-export Certificate**

1. The sample form of the ICCAT Bigeye Tuna Re-export Certificate shall be as in the **Appendix**.
2. Customs or other appropriate government officials will request and inspect all import documentation including the ICCAT Bigeye Tuna Re-export Certificate for all bigeye tuna in the shipment. Those officials may also inspect the content of each shipment to verify the information on the document.
3. Only complete and valid documents will guarantee that shipments of bigeye tuna will be allowed to enter the territory of Contracting Parties.
4. A Contracting Party shall be free to validate ICCAT Bigeye Tuna Re-export Certificates for bigeye tuna imported by that Contracting Party, to which ICCAT Bigeye Tuna Statistical Documents or ICCAT Bigeye Tuna Re-export Certificates are attached. ICCAT Bigeye Tuna Re-export Certificates shall be validated by government organizations or by recognized institutions which are accredited by a Contracting Party's government to validate the ICCAT Bigeye Tuna Statistical Document. A copy of the original Bigeye Tuna Statistical Document accompanying the imported bigeye tuna must be attached to an ICCAT Bigeye Tuna Re-export Certificate. The copy of the original Bigeye Tuna Statistical Document so attached must be verified by that government organization or by that recognized institution accredited by a government which validated the ICCAT Bigeye Tuna Statistical Document. When re-exported bigeye tuna is again re-exported, all copies of documents, including a verified copy of a Statistical Document and Re-export Certificate which accompanied that bigeye tuna upon importation, must be attached to a new Re-export Certificate to be validated by a re-exporting Contracting Party. All copies of the Documents to be attached to that new Re-export Certificate must be also be verified by a government organization or a recognized institution accredited by a government which validated the ICCAT Bigeye Tuna Statistical Document.
5. Shipments of bigeye tuna that are accompanied by improperly documented Bigeye Tuna Re-export Certificate (i.e., improperly documented means that the Bigeye Tuna Re-export Certificate is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate shipments of bigeye tuna, that are contrary to ICCAT conservation efforts, and their entry will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the territory of a Contracting Party or subject to administrative or other sanction.
6. ICCAT Contracting Parties that validate Re-export Certificates in accordance with the procedure set forth in paragraph 4 shall require from the re-exporting bigeye dealer necessary documents (e.g. written sales contracts) which are to certify that the bigeye tuna to be re-exported corresponds to the imported bigeye tuna. Contracting Parties which validate Re-export Certificates shall provide flag states and importing states with evidence of this correspondence upon their request.
7. The import of fish parts other than the meat, i.e., head, eyes, roe, guts, tails may be allowed without the document.

DOCUMENT NUMBER	ICCAT BIGEYE TUNA RE-EXPORT CERTIFICATE			
RE-EXPORT SECTION:				
1. RE-EXPORTING COUNTRY / ENTITY / FISHING ENTITY				
2. POINT OF RE-EXPORT				
3. DESCRIPTION OF IMPORTED FISH				
F/FR	Product Type(*) RD/GG/DR/FL/OT	Net Weight (Kg)	Flag country/ Entity/Fishing Entity	Date of Import
4. DESCRIPTION OF FISH FOR RE-EXPORT				
F/FR	Product Type(*) RD/GG/DR/FL/OT	Net Weight (Kg)		
* F=FRESH, FR=Frozen, RD=Round, GG=Gilled and Guttled, DR=Dressed, FL=Fillet OT=Other(Describe the type of product)				
5. RE-EXPORTER CERTIFICATION: I certify that the above information is complete, true and correct to the best of my knowledge and belief.				
Name/Company Name Address Signature Date License Number (if applicable)				
6. GOVERNMENT VALIDATION: I validate that the above information is complete, true and correct to the best of my knowledge and belief.				
Name & Title Signature Date Government Seal				
IMPORT SECTION:				
7. IMPORTER CERTIFICATION: I certify that the above information is complete, true and correct to the best of my knowledge and belief.				
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name	Address	Signature	Date	License # (if applicable)
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name	Address	Signature	Date	License # (if applicable)
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name	Address	Signature	Date	License # (if applicable)
Final Point of Import				
City _____ State/Province _____ Country / Entity / Fishing Entity _____				

NOTE: If a language other than English is used in completing this form. Please add the English translation on this document.

ICCAT BIGEYE TUNA RE-EXPORT CERTIFICATE INSTRUCTION SHEET

DOCUMENT NUMBER: Block for the issuing Country/Entity/Fishing Entity to designate a Country/Entity/Fishing Entity coded document number.

(1) RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY

Fill in the name of the Country/Entity/Fishing Entity which re-exports the bigeye tuna in the shipment and issued this Certificate. According to the ICCAT Recommendation, only the re-exporting Country/Entity/Fishing Entity can issue this Certificate.

(2) POINT OF RE-EXPORT

Identify the City/State Province and Country/Entity/Fishing Entity from which the bigeye tuna was re-exported.

(3) DESCRIPTION OF IMPORTED FISH

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms. (3) Flag Country/Entity/Fishing Entity: the name of the Country/Entity/Fishing Entity of the vessel that harvested the bigeye tuna in the shipment. (4) Date of import: Imported date.

(4) DESCRIPTION OF FISH FOR RE-EXPORT

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms.

(5) RE-EXPORTER CERTIFICATION

The person or company re-exporting the bigeye tuna shipment must provide his/her name, address, signature, date the shipment was re-exported, and re-exporter's license number (if applicable).

(6) GOVERNMENT VALIDATION

Fill in the name and full title of the official signing the Certificate. The official must be employed by a competent government authority of the re-exporting Country/Entity/Fishing Entity appearing on the Certificate, or a person or institution authorized to validate such certificates by the competent government authority. The substitutional measure described in paragraphs A-D of the *Resolution by ICCAT Concerning Validation by a Government Official of the Bluefin Tuna Statistical Document*, adopted by the Commission in 1993, may be applied to the above requirements for the validations in this Bigeye Statistical Document Program.

(7) IMPORTER CERTIFICATION

The person or company that imports bigeye tuna must provide his/her name, address, signature, date the bigeye tuna was imported, license number (if applicable) and re-exported final point of import. This includes imports into intermediate Countries/Entities/Fishing Entities. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

RETURN A COPY OF THE COMPLETED CERTIFICATE TO: (the name of the office of the competent authority of the re-exporting Country/Entity/Fishing Entity).

REPORT OF THE ICCAT BIGEYE TUNA STATISTICAL DOCUMENT

Period _____ to _____, _____ IMPORT COUNTRY/ENTITY/FISHING ENTITY _____
 Month Month Year

Flag Country/Entity/Fishing Entity	Area Code	Gear Code	Point of Export	Product Type		Product Wt.(Kg)
				F/FR	RD/GG/DR/FL/OT	

Gear Code**Gear Type**

BB Baitboat	
GILL	Gillnet
HAND	Handline
HARP	Harpoon
LL	Longline
MWT	Mid-water trawl
PS	Purse seine
RR Rod & reel	
SPHL	Sport Handline
SPOR	Sport fisheries unclassified
SURF	Surface fisheries unclassified
TL	Tended line
TRAP	Trap
TROL	Troll
UNCL	Unclassified methods
OTH	Other type (Indicate the type of gear):

Product type**Area Code**

F	Fresh	AT	Atlantic
FR	Frozen	PA	Pacific
RD Round	ID		Indian Ocean
GG Gilled & gutted			
DR Dressed			
FL	Fillet		
OT	Other form, describe the type of products in the shipment		

REPORT OF THE ICCAT BIGEYE TUNA RE-EXPORT CERTIFICATE

Period _____ to _____ , _____ IMPORT COUNTRY/ENTITY/FISHING ENTITY
Month _____ Month _____ Year _____

Flag Country/Entity/Fishing Entity	Re-export Country/ Entity/Fishing Entity	Point of Re-export	Product Type		Product Wt.(Kg)
			F/FR	RD/GG/DR/FL/OT	

Product type

- F Fresh
- FR Frozen
- RD Round
- GG Gilled & gutted
- DR Dressed
- FL Fillet
- OT Other form, describe the type of products in the shipment

INFORMATION ON VALIDATION OF ICCAT STATISTICAL DOCUMENTS

1. Flag _____
2. Statistical Document (Bluefin, Bigeye, Swordfish, All): _____
3. Government/Authority organization(s) accredited to validate Statistical Documents

<i>Organization Name</i>	<i>Organization Address</i>	<i>Sample Seal</i>

NOTE: For each organization, attach a list with the names, titles and addresses of the individuals authorized to validate Documents.

4. Other institutions accredited by the government/authority to validate Statistical Documents

<i>Organization Name</i>	<i>Organization Address</i>	<i>Sample Seal</i>

NOTE: For each organization, attach a list with the names, titles and addresses of the individuals authorized to validate Documents.

Instructions Contracting Parties, non-Contracting Parties, Entities, Fishing Entities having vessels that harvest species whose international trade must be accompanied by ICCAT Statistical Documents are requested to submit the information on this sheet to the Executive Secretary of ICCAT¹, and to ensure that any changes to the above are also transmitted to the Executive Secretary on a timely fashion.

1. ICCAT: c/Corazón de María, 8 (6th floor), Madrid, Spain 28002.

– RECOMMENDATION –
ESTABLISHING A SWO STATISTICAL DOCUMENT PROGRAM

TITLE: *Recommendation by ICCAT Establishing a Swordfish Statistical Document Program*

(Entered into force: **September 21, 2002**)

RECALLING the *Recommendation by ICCAT on Establishing Statistical Document Program for Swordfish, Bigeye Tuna and Other Species Managed by ICCAT* adopted by the Commission in 2000 in which the full implementation of the program was required by 1 January 2002, or as soon as possible thereafter;

TAKING INTO ACCOUNT the efforts to maintain and rebuild Atlantic swordfish, consistent with the objectives of the Convention;

RECOGNIZING that the Statistical Document Program is an effective tool to assist the Commission's effort for the elimination of IUU fishing operations;

FURTHER RECOGNIZING the *Resolution by ICCAT Concerning an Action Plan to Ensure the Effectiveness of the Conservation Program for Atlantic Swordfish* adopted by the Commission in 1995, and recalling the 1999 Recommendation by ICCAT establishing trade measures pursuant to this Resolution;

AWARE that it is important to improve the reliability of statistical information on catches of Atlantic swordfish and that the availability of trade data would greatly assist in reducing such uncertainty;

RECOGNIZING that a considerable number of vessels fishing for Atlantic swordfish are registered to nations that are not members of ICCAT;

TAKING INTO ACCOUNT the significant efforts that have been undertaken by Contracting Parties to address the problems created by catches of Atlantic swordfish by non-contracting parties, entities, and fishing entities;

CONSIDERING that some of the non-contracting parties, entities, and fishing entities have great difficulty in providing information on the catches of their flag vessels;

ALSO BEING AWARE that this program may be adapted to the specific regulations established by ICCAT Contracting Parties, as well as in the framework of regional economic organizations;

RECOGNIZING the work of the Food and Agriculture Organization (FAO) with respect to statistical document programs, which could impact the programs of the Commission;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

1. Contracting Parties shall require that all swordfish, when imported into the territory of a Contracting Party be accompanied by an ICCAT Swordfish Statistical Document (Attachment 2) that meets the requirements described in Attachment 1 or an ICCAT Swordfish Re-export Certificate (Attachment 4) that meets the requirements described in Attachment 3. The Commission and the Contracting Parties importing swordfish shall contact all the exporting countries to inform them of this program, particularly differentiation of treatment between catches of swordfish in the Convention Area and those outside of it, in advance of implementation of the program.

2. (1) The ICCAT Swordfish Statistical Document must be validated by a government official, or other authorized individual or institution, of the flag state of the vessel that harvested the swordfish, or, if the vessel is operating under a charter arrangement, by a government official or other authorized individual of the exporting state; (2) the ICCAT Swordfish Re-Export Certificate must be validated by a government official, or other authorized individual or institution, of the state that re-exported the swordfish; and (3) the substitutional measure described in paragraphs A-D of the *Resolution by ICCAT Concerning Validation by a Government Official of the Bluefin Tuna Statistical Document*, adopted by the Commission in 1993, may be applied to the above requirements for both validations in the Swordfish Statistical Document Program. The substitutional measure should also apply *mutatis mutandis*, to chartering arrangements as provided in section (1) of this paragraph
3. Each Contracting Party shall provide to the Executive Secretary sample forms of its statistical document and re-export certificate required with swordfish imports, and information on validation in the format specified in Attachment 6 and inform him of any change in a timely fashion.
4. Contracting Parties that import or export swordfish shall compile the data collected through the Program.
5. Contracting Parties that import swordfish shall report the data collected by the Program to the Executive Secretary each year by April 1 for the period of July 1 through December 31 of the preceding year and October 1 for the period of January 1 through June 30 of the current year, which shall be circulated to all the contracting parties by the Executive Secretary. The formats of the reports are attached, as in Attachment
6. Contracting Parties that export swordfish shall examine export data upon receiving the import data in Paragraph 5 above from the Executive Secretary, and report the results to the Commission in their National Reports.
7. Contracting Parties should exchange copies of statistical documents and re-export certificates to facilitate the examination mentioned in paragraph 6 consistent with domestic laws and regulations.
8. The Commission shall request Cooperating Non-Contracting Parties, entities, and fishing entities to take the measures described in the above paragraphs.
9. The Executive Secretary shall request all non-Contracting Parties, entities, and fishing entities fishing for and exporting swordfish to Contracting Parties to provide information on validation in the format specified in Attachment 6 and to inform him in a timely fashion of any changes to the information provided.
10. The Executive Secretary shall maintain and update information specified in paragraphs 3 and 9 and provide it to all the Contracting Parties, and promptly circulate any changes.
11. The Commission shall request Non-Contracting Parties, entities, and fishing entities that import swordfish to cooperate in the implementation of the Program and to provide to the Commission data obtained from such implementation in the format specified in Attachment 5 on an annual basis by October 15 for the previous calendar year.
12. Implementation of this program shall be in conformity with relevant international obligations.
13. The provisions of the *Recommendation by ICCAT on Validation of the Bluefin Tuna Statistical Document by the European Community*, adopted by the Commission in 1998, shall apply to the Swordfish Statistical Document Program for swordfish caught by vessels that fly the flag of a Member State of the European Community.
14. Notwithstanding the provisions of Article VIII, paragraph 2 of the Convention, the Contracting Parties shall implement this recommendation as soon as possible, but not later than January 1, 2003 in accordance with the regulatory procedures of each Contracting Party.

Requirements Concerning The ICCAT Swordfish Statistical Document

1. The sample form of the ICCAT Swordfish Statistical Document shall be as in Attachment 2.
2. Customs or other appropriate government officials will request and inspect all import documentation including the ICCAT Swordfish Statistical Document for all swordfish in the shipment. Those officials may also inspect the content of each shipment to verify the information on the document.
3. Only complete and valid documents will guarantee that shipments of swordfish will be allowed to enter the territory of Contracting Parties.
4. Shipments of swordfish that are accompanied by improperly documented Swordfish Statistical Documents (i.e., improperly documented means that the Swordfish Statistical Document is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate shipments of swordfish, that are contrary to ICCAT conservation efforts, and their entry into the territory of a Contracting Party will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) or subject to administrative or other sanction.
5. The import of fish parts other than the meat, i.e., head, eyes, roe, guts, tails may be allowed without the document.

DOCUMENT NUMBER	ICCAT SWORDFISH STATISTICAL DOCUMENT				
EXPORT SECTION					
1. FLAG COUNTRY/ENTITY/FISHING ENTITY :					
2. POINT OF EXPORT:					
CITY, STATE OR PROVINCE			COUNTRY/ENTITY/FISHING ENTITY		
3. AREA OF CATCH (check one of the following)					
(a) ? North Atlantic (b) ? South Atlantic (c) ? Mediterranean (d) ? Pacific (e) ? Indian					
If (d) or (e) is checked, items 4 and 5 below need not be completed					
4. DESCRIPTION OF FISH					
Product Type ^a		Vessel name and registration		Gear Code ^b	
F/FR RD/GG/DR/FL/ST/OT				Net Wt (kg)	
^a F=Fresh, FR=Frozen, RD=Round, GG=Gilled & Gutted, DR=Dressed, FL=Fillet, ST= Steak, OT=Others (Describe the type:_____)					
^b When the Gear Code is OT, describe the type of gear: _____					
5. EXPORTER CERTIFICATION For export to countries that have adopted the ICCAT alternative minimum size for swordfish, the exporter must certify that the above listed Atlantic swordfish are greater than 15 kg (33 lb.) or if pieces, the pieces were derived from a swordfish weighing >15 kg.					
I certify that the above information is complete, true, and correct to the best of my knowledge and belief.					
Name	Company Name	Address	Signature	Date	License # (if applicable)
6. GOVERNMENT VALIDATION I validate that the above information is complete, true, and correct to the best of my knowledge and belief.					
Name & Title		Signature	Date	Government Seal	Net Weight (kg)
IMPORT SECTION					
7. IMPORTER CERTIFICATION I certify that the above information is complete, true, and correct to the best of my knowledge and belief.					
Importer Certification (Intermediate Country/Entity/Fishing Entity)					
Name	Address	Signature	Date	License #	
Importer Certification (Intermediate Country/Entity/Fishing Entity)					
Name	Address	Signature	Date	License #	
Importer Certification (Final Destination of Shipment)					
Name	Address	Signature	Date	License #	
Final Point of Import - City: _____ State or Province: _____ Country/Entity/Fishing Entity_____					

NOTE: If a language other than English is used for completing this document, please add an English translation on this document or on a separate page

ICCAT SWORDFISH STATISTICAL DOCUMENT INSTRUCTION SHEET

Pursuant to the 2001 ICCAT recommendation, swordfish imported into the territory of a Contracting Party or upon first entry into a regional economic organization must be accompanied by an ICCAT Swordfish Statistical Document (SWD) beginning January 1, 2003. Swordfish dealers who export or import swordfish from all ocean areas will be required to complete the appropriate sections of the SWD. Only complete and valid documents will guarantee that shipments of swordfish will be allowed to enter the customs territory of Contracting Parties (e.g., Japan, Canada, U.S., Spain, etc.). Improperly documented swordfish shipments (i.e., the SWD is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate and contrary to ICCAT conservation efforts. Entry of improperly documented swordfish will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the customs territory of a Contracting Party or subject to administrative or other sanctions.

Please use the instructions below as a guide to complete the sections that apply to Exporters, Importers, and Government Validation. If a language other than English is used for description, please add an English translation either on the SWD or on a separate paper. Note: if a swordfish product is exported directly from the harvesting Country/Entity/Fishing Entity to a Contracting Party, without going through an intermediate Country/Entity/Fishing Entity, all fish can be identified on one document. However, if the swordfish product is exported through an intermediate Country/Entity/Fishing Entity (i.e., a Country/Entity/Fishing Entity other than the Country/Entity/Fishing Entity which is the final destination of the product), separate documents must be prepared for fish destined for different final destinations, or only one fish may be identified on a document to cope with any possible separation in an intermediate Country/Entity/Fishing Entity. Import of swordfish parts other than meat (i.e., heads, eyes, roe, guts, tails) may be allowed entry without an accompanying SWD.

DOCUMENT NUMBER: This block is for the issuing Country/Entity/Fishing Entity to designate a country coded Document Number.

(1) FLAG COUNTRY/ENTITY/FISHING ENTITY - Fill in the name of the Country/Entity/Fishing Entity of the vessel that harvested the swordfish in the shipment and issued this Document. According to the ICCAT Recommendation, only the flag state of the vessel that harvested the swordfish in the shipment, or, if the vessel is operating under a chartering arrangement, the exporting state, can issue this Document.

(2) POINT OF EXPORT - Identify the City and State or Province, and country/entity/fishing entity from which the swordfish was exported.

(3) AREA OF CATCH - Check the area of catch. (In case of (d) or (e) checked, items 4 and 5 need not be completed.)

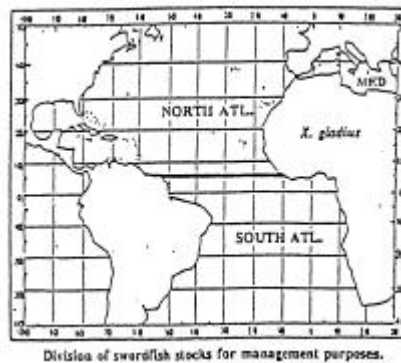
(4) DESCRIPTION OF FISH - The exporter must provide, to the highest degree of accuracy, the following information. (NOTE: One row should describe one product type.) (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment; (2) NAME OF VESSEL AND REGISTRATION NUMBER - Fill in the name and registration number (if available) of the vessel that harvested the swordfish. If product in shipment is from more than one vessel, list all vessels whose product is included in the shipment; (3) Gear Code - Identify the gear type which was used to harvest the swordfish using the listed codes; (5) Net weight - Net product weight in kilograms.

(5) EXPORTER CERTIFICATION - The person or company exporting the swordfish shipment must provide his/her name, signature, address, date the shipment was exported, and dealer license number (if applicable). For countries that have adopted the ICCAT alternative minimum size for swordfish the exporter must certify that the listed Atlantic swordfish are greater than 15 kg (33 lb.) or if pieces, the pieces were derived from a swordfish weighing >15 kg.

(6) GOVERNMENT VALIDATION - Fill in name and full title of the official signing the SWD. The official must be employed by a competent authority of the flag state government of the vessel that harvested the swordfish appearing on the SWD or other individual or institution authorized by the flag state or if the vessel is operating under a charter arrangement, by a government official or other authorized individual or institution of the exporting state. Net weight must also be certified and recorded in kg. The substitutional measure described in paragraphs A-D of the *Resolution by ICCAT concerning Validation by a Government Official of the Bluefin Tuna Statistical Document*, adopted by the Commission in 1993, may be applied to the above requirements for the validations in this Swordfish Statistical Document Program.

(7) IMPORTER CERTIFICATION - The person or company that imports swordfish must provide their name, signature, address, date the swordfish was imported, license number (if applicable) and final point of import. This includes imports into intermediate countries, entities or fishing entities. For fresh and chilled products, signature of the importer may be substituted by person of a custom clearance company when the authority of signature is properly accredited to the company by the importer.

GEAR CODE	GEAR TYPE
BB	Baitboat
GILL	Gillnet
HAND	Handline
HARP	Harpoon
LL	Longline
MWT	Mid-water trawl
PS	Purse seine
RR	Rod and reel
SPHL	Sport handline
SPOR	Sport fisheries, unclassified
SURF	Surface fisheries, unclassified
TL	Tended line
TRAP	Trap
TROL	Troll
UNCL	Unspecified methods
OT	Other type: Describe the type of gear



Original completed document must accompany exported shipment. Retain a copy for your records. The original (imports) or a copy (exports) must be postmarked and mailed, or faxed, within 24 hours of import or export to: XXX

Requirements Concerning the ICCAT Swordfish Re-export Certificate

1. The sample form of the ICCAT Swordfish Tuna Re-export Certificate shall be as in Attachment 4.
2. Customs or other appropriate government officials will request and inspect all import documentation including the ICCAT Swordfish Re-export Certificate for all swordfish in the shipment. Those officials may also inspect the content of each shipment to verify the information on the document.
3. Only complete and valid documents will guarantee that shipments of swordfish will be allowed to enter the territory of Contracting Parties.
4. A Contracting Party shall be free to validate ICCAT Swordfish Re-export Certificates for swordfish imported by that Contracting Party, to which ICCAT Swordfish Statistical Documents or ICCAT Swordfish Re-export Certificates are attached. ICCAT Swordfish Re-export Certificates shall be validated by government organizations, persons authorized by a government organization, or by recognized institutions which are accredited by a Contracting Party's government to validate the ICCAT Swordfish Statistical Document. A copy of the original Swordfish Statistical Document accompanying the imported swordfish must be attached to an ICCAT Swordfish Re-export Certificate. The copy of the original Swordfish Statistical Document so attached must be verified by that government organization or by that recognized institution accredited by a government which validated the ICCAT Swordfish Statistical Document. When re-exported swordfish is again re-exported, all copies of documents, including a verified copy of a Statistical Document and Re-export Certificate which accompanied that swordfish upon importation, must be attached to a new Re-export Certificate to be validated by a re-exporting Contracting Party. All copies of the Documents to be attached to that new Re-export Certificate must be also be verified by a government organization or a recognized institution accredited by a government which validated the ICCAT Swordfish Statistical Document, or by persons authorized by a government organization.
5. Shipments of swordfish that are accompanied by improperly documented Swordfish Re-export Certificate (improperly documented means that the Swordfish Re-export Certificate is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate shipments of swordfish, that are contrary to ICCAT conservation efforts, and their entry will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the territory of a Contracting Party or subject to administrative or other sanction.
6. ICCAT Contracting Parties that validate Re-export Certificates in accordance with the procedure set forth in paragraph 4 shall require from the re-exporting swordfish dealer necessary documents (e.g., written sales contracts) which are to certify that the swordfish to be re-exported corresponds to the imported swordfish. Contracting Parties which validate Re-export Certificates shall provide flag states and importing states with evidence of this correspondence upon their request.
7. The import of fish parts other than the meat, i.e., head, eyes, roe, guts, tails may be allowed without the document.

DOCUMENT NUMBER	ICCAT SWORDFISH RE-EXPORT CERTIFICATE			
RE-EXPORT SECTION:				
1. RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY				
2. POINT OF RE-EXPORT				
3. DESCRIPTION OF IMPORTED FISH				
	Product Type(*) F/FR RD/GG/DR/FL/ST/OT	Net Weight (Kg)	Flag country/ Entity/Fishing entity	Date of Import
4. DESCRIPTION OF FISH FOR RE-EXPORT				
	Product Type(*) F/FR RD/GG/DR/ST/FL/OT	Net Weight (Kg)		
* F=FRESH, FR=Frozen, RD=Round, GG=Gilled and Guttred, DR=Dressed, ST=Steak, FL=Fillet OT=Other(Describe the type of product)				
5. RE-EXPORTER CERTIFICATION: For export to countries/entities or fishing entities that have adopted the ICCAT alternative minimum size for swordfish, the exporter must certify that the listed Atlantic swordfish are greater than 15 kg (33 lb.) or if pieces, the pieces were derived from a swordfish weighing >15 kg.				
I certify that above information is complete, true and correct to the best of my knowledge and belief.				
Name	Company Name	Address	Signature	Date License # (if applicable)
6. GOVERNMENT VALIDATION: I validate that above information is complete, true and correct to the best of my knowledge and belief.				
Name & Title	Organization	Signature	Date	
IMPORT SECTION:				
7. IMPORT CERTIFICATION: I certify that above information is complete, true and correct to the best of my knowledge and belief.				
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name	Address	Signature	Date	License #(if applicable)
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name	Address	Signature	Date	License #(if applicable)
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name	Address	Signature	Date	License #(if applicable)
Final Point of Import				
City	State/Province	Country/Entity/Fishing Entity		

NOTE: If a language other than English is used in completing this form, please add the English translation on this document.

ICCAT SWORDFISH RE-EXPORT CERTIFICATE INSTRUCTION SHEET

DOCUMENT NUMBER: Block for the issuing Country/Entity/Fishing Entity to designate a Country/Entity/Fishing Entity coded document number.

(1) RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY

Fill in the name of the Country/Entity/Fishing Entity which re-exports the swordfish in the shipment and issued this Certificate. According to the ICCAT Recommendation, only the re-exporting Country/Entity/Fishing Entity can issue this Certificate.

(2) POINT OF RE-EXPORT

Identify the City/State Province and Country/Entity/Fishing Entity from which the swordfish was re-exported.

(3) DESCRIPTION OF IMPORTED FISH

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, STEAK, FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms. (3) Flag Country/Entity/Fishing Entity: the name of the Country/Entity/Fishing Entity of the vessel that harvested the swordfish in the shipment. (4) Date of import: Imported date.

(4) DESCRIPTION OF FISH FOR RE-EXPORT

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, STEAK, FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms.

(5) RE-EXPORTER CERTIFICATION

The person or company re-exporting the swordfish shipment must provide his/her name, company name address, signature, date the shipment was re-exported, and re-exporter's license number (if applicable).

(6) GOVERNMENT VALIDATION

Fill in the name and full title of the official signing the Certificate. The official must be in the employment of the competent government authority of the re-exporting Country/Entity/Fishing Entity appearing on the Certificate, or a person or institution authorized to validate such certificates by the competent government authority. The substitutional measure described in paragraphs A-D of the *Resolution by ICCAT Concerning Validation by a Government Official of the Bluefin Statistical Document*, adopted by the Commission in 1993 may be applied to the above requirements for the validations in this Swordfish Statistical Document Program.

(7) IMPORTER CERTIFICATION

The person or company that imports swordfish must provide his/her name, company name, address, signature, date the swordfish was imported, license number (if applicable) and re-exported final point of import. This includes imports into intermediate Countries/Entities/Fishing Entities. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

RETURN A COPY OF THE COMPLETED CERTIFICATE TO: (the name of the office of the competent authority of the re-exporting Country/Entity/Fishing Entity).

REPORT OF THE ICCAT SWORDFISH STATISTICAL DOCUMENT

Period _____ to _____, _____ IMPORT COUNTRY/ENTITY/FISHING ENTITY _____
 Month _____ Month _____ Year _____

Flag Country/Entity/ Fishing Entity	Area Code	Gear Code	Point of Export	Product Type		Product Wt.(Kg)
				F/FR	RD/GG/DR/ST/FL/OT	

Gear Code

BB
GILL
HAND
HARP
LL
MWT
PS
RR
SPHL
SPOR
SURF
TL
TRAP
TROL
UNCL
OTH

Gear Type

Baitboat
Gillnet
Handline
Harpoon
Longline
Mid-water trawl
Purse seine
Rod & reel
Sport Handline
Sport fisheries unclassified
Surface fisheries unclassified
Tended line
Trap
Troll
Unclassified methods
Other type (Indicate the type of gear):

Product type

F Fresh
FR Frozen
RD Round
GG Gilled & gutted
DR Dressed
FL Fillet
ST Steak
OT Other form, describe the type of products in the shipment

Area Code

NAT North Atlantic
SAT South Atlantic
MED Mediterranean
PAC Pacific Ocean
ID Indian Ocean

REPORT OF THE ICCAT SWORDFISH RE-EXPORT CERTIFICATE

Period _____ to _____, _____ IMPORT COUNTRY/ENTITY/FISHING ENTITY _____
 Month Month Year

<i>Flag Country / Entity/Fishing Entity</i>	<i>Re-export Country/Entity/Fi shing Entity</i>	<i>Point of Re-export</i>	<i>Product Type</i>		<i>Product Wt.(Kg)</i>
			<i>F/FR</i>	<i>RD/GG/DR/ST/FL/OT</i>	

Product type

F	Fresh
FR	Frozen
RD	Round
GG	Gilled & gutted
DR	Dressed
ST	Steak
FL	Fillet
OT	Other form, describe the type of products in the shipment

INFORMATION ON VALIDATION OF ICCAT STATISTICAL DOCUMENTS

1. Flag _____
2. Statistical Document (Bluefin, Bigeye, Swordfish, All): _____
3. Government/Authority organization(s) accredited to validate Statistical Documents

<i>Organization Name</i>	<i>Organization Address</i>	<i>Sample Seal</i>

NOTE: For each organization, attach a list with the names, titles and addresses of the individuals authorized to validate Documents.

4. Other institutions accredited by the government/authority to validate Statistical Documents

<i>Organization Name</i>	<i>Organization Address</i>	<i>Sample Seal</i>

NOTE: For each organization, attach a list with the names, titles and addresses of the individuals authorized to validate Documents.

Instructions

Contracting Parties, non-Contracting Parties, Entities, Fishing Entities having vessels that harvest species whose international trade must be accompanied by ICCAT Statistical Documents are requested to submit the information on this sheet to the Executive Secretary of ICCAT¹, and to ensure that any changes to the above are also transmitted to the Executive Secretary on a timely fashion.

1. ICCAT: c/Corazón de María, 8 (6th floor), Madrid, Spain 28002.



-CITE-

16 USC Sec. 953

01/22/02

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16 - TUNA CONVENTIONS

-HEAD-

Sec. 953. General Advisory Committee and Scientific Advisory
Subcommittee

-STATUTE-

(a) Appointments; public participation; compensation

The Secretary, in consultation with the United States
Commissioners, shall -

(1) appoint a General Advisory Committee which shall be
composed of not less than 5 nor more than 15 persons with
balanced representation from the various groups participating in
the fisheries included under the conventions, and from
nongovernmental conservation organizations;

(2) appoint a Scientific Advisory Subcommittee which shall be
composed of not less than 5 nor more than 15 qualified scientists
with balanced representation from the public and private sectors,

including nongovernmental conservation organizations;

(3) establish procedures to provide for appropriate public participation and public meetings and to provide for the confidentiality of confidential business data; and

(4) fix the terms of office of the members of the General Advisory Committee and Scientific Advisory Subcommittee, who shall receive no compensation for their services as such members.

(b) Functions

(1) General Advisory Committee

The General Advisory Committee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigations, reports, recommendations, and regulations of the Commission. The General Advisory Committee may attend all meetings of the international commissions to which they are invited by such commissions.

(2) Scientific Advisory Subcommittee

(A) Advice

The Scientific Advisory Subcommittee shall advise the General Advisory Committee and the Commissioners on matters including -

(i) the conservation of ecosystems;

(ii) the sustainable uses of living marine resources

related to the tuna fishery in the eastern Pacific Ocean; and

(iii) the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean.

(B) Other functions and assistance

The Scientific Advisory Subcommittee shall, as requested by the General Advisory Committee, the United States Commissioners, or the Secretary, perform functions and provide assistance required by formal agreements entered into by the United States for this fishery, including the International Dolphin Conservation Program. These functions may include -

(i) the review of data from the Program, including data received from the Inter-American Tropical Tuna Commission;

(ii) recommendations on research needs, including ecosystems, fishing practices, and gear technology research, including the development and use of selective, environmentally safe and cost-effective fishing gear, and on the coordination and facilitation of such research;

(iii) recommendations concerning scientific reviews and assessments required under the Program and engaging, as appropriate, in such reviews and assessments;

(iv) consulting with other experts as needed; and

(v) recommending measures to assure the regular and timely full exchange of data among the parties to the Program and each nation's National Scientific Advisory Committee (or its equivalent).

(3) Attendance at meetings

The Scientific Advisory Subcommittee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and the General Advisory Subcommittee and shall be given full opportunity to examine and to be heard on all proposed programs of scientific investigation, scientific reports, and scientific recommendations of the commission. Representatives of the Scientific Advisory Subcommittee may attend meetings of the Inter-American Tropical Tuna Commission in accordance with the rules of such Commission.

-SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 4, 64 Stat. 778; Pub. L. 102-523, Sec. 3(a)(2), Oct. 26, 1992, 106 Stat. 3433; Pub. L. 105-42, Sec. 7(b), Aug. 15, 1997, 111 Stat. 1137.)

-MISC1-



-CITE-

16 USC Sec. 955

01/22/02

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16 - TUNA CONVENTIONS

-HEAD-

Sec. 955. Secretary of State to act for United States

-STATUTE-

(a) Approval of commission bylaws and rules; action on reports, requests, and recommendations

The Secretary of State is authorized to approve or disapprove, on behalf of the United States Government, bylaws and rules, or amendments thereof, adopted by each commission and submitted for approval of the United States Government in accordance with the provisions of the conventions, and, with the concurrence of the Secretary of Commerce, to approve or disapprove the general annual programs of the commissions. The Secretary of State is further authorized to receive, on behalf of the United States Government, reports, requests, recommendations, and other communications of the commissions, and to take appropriate action thereon either directly

or by reference to the appropriate authority.

(b) Regulations

Regulations recommended by each commission pursuant to the convention requiring the submission to the commission of records of operations by boat captains or other persons who participate in the fisheries covered by the convention, upon the concurrent approval of the Secretary of State and the Secretary of Commerce, shall be promulgated by the latter and upon publication in the Federal Register, shall be applicable to all vessels and persons subject to the jurisdiction of the United States.

(c) Rulemaking procedures; prohibitions

Regulations required to carry out recommendations of the commission made pursuant to paragraph 5 of article II of the Convention for the Establishment of an Inter-American Tropical Tuna Commission shall be promulgated as hereinafter provided by the Secretary of Commerce upon approval of such recommendations by the Secretary of State and the Secretary of Commerce. The Secretary of Commerce shall cause to be published in the Federal Register a general notice of proposed rulemaking and shall afford interested persons an opportunity to participate in the rulemaking through (1) submission of written data, views, or arguments, and (2) oral presentation at a public hearing. Such regulations shall be published in the Federal Register and shall be accompanied by a statement of the considerations involved in the issuance of the

regulations. After publication in the Federal Register such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary of Commerce shall prescribe, but in no event prior to an agreed date for the application by all countries whose vessels engage in fishing for species covered by the convention in the regulatory area on a meaningful scale, in terms of effect upon the success of the conservation program, of effective measures for the implementation of the commission's recommendations applicable to all vessels and persons subject to their respective jurisdictions. The Secretary of Commerce shall suspend at any time the application of any such regulations when, after consultation with the Secretary of State and the United States Commissioners, he determines that foreign fishing operations in the regulatory area are such as to constitute a serious threat to the achievement of the objectives of the commission's recommendations. The regulations thus promulgated may include the selection for regulation of one or more of the species covered by the convention; the division of the convention waters into areas; the establishment of one or more open or closed seasons as to each area; the limitation of the size of the fish and quantity of the catch which may be taken from each area within any season during which fishing is allowed; the limitation or prohibition of the incidental catch of a regulated species which may be retained, taken, possessed, or landed by vessels or persons fishing for other species of fish; the requiring of such clearance

certificates for vessels as may be necessary to carry out the purposes of the convention and this chapter; and such other measures incidental thereto as the Secretary of Commerce may deem necessary to implement the recommendations of the commission: Provided, That upon the promulgation of any such regulations the Secretary of Commerce shall promulgate additional regulations, with the concurrence of the Secretary of State, which shall become effective simultaneously with the application of the regulations hereinbefore referred to (1) to prohibit the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the commission and which were taken from the regulatory area; and (2) to prohibit entry into the United States, from any country, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the commission and which were taken from the regulatory area by vessels other than those of such country in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the commission. In the case of repeated and flagrant fishing operations in the regulatory area by the vessels of any country

which seriously threaten the achievement of the objectives of the commission's recommendations, the Secretary of Commerce, with the concurrence of the Secretary of State, may, in his discretion, also prohibit the entry from such country of such other species of tuna, in any form, as may be under investigation by the commission and which were taken in the regulatory area. The aforesaid prohibitions shall continue until the Secretary of Commerce is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry.

-SOURCE-

(Sept. 7, 1950, ch. 907, Sec. 6, 64 Stat. 778; Pub. L. 87-814, Sec. 2, Oct. 15, 1962, 76 Stat. 923; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

-MISC1-

AMENDMENTS

1962 - Subsecs. (a), (b). Pub. L. 87-814 substituted ''Secretary of the Interior'' for ''head of the enforcement agency''.

Subsec. (c). Pub. L. 87-814 added subsec. (c).

-TRANS-

INTER-AMERICAN TROPICAL TUNA COMMISSION
COMISIÓN INTERAMERICANA DEL ATÚN TROPICAL

RESOLUTION C-03-01

RESOLUTION ON IATTC BIGEYE TUNA STATISTICAL DOCUMENT
PROGRAM

Approved by correspondence, 24 June 2003

The Inter-American Tropical Tuna Commission (IATTC):

Recognizing the authority and responsibility of IATTC to manage bigeye tuna in the Eastern Pacific Ocean (EPO), at the international level,

Recognizing also the nature of the international market for bigeye tuna,

Recognizing also that there is uncertainty on the catch of bigeye tuna in EPO and that the availability of trade data would greatly assist in reducing such uncertainty,

Recognizing also that bigeye tuna is the main target species of “flag of convenience” fishing operations and that most of the bigeye harvested by such fishing vessels are exported to Contracting Parties, especially to Japan,

Recalling that the International Commission for the Conservation of Atlantic Tunas (ICCAT) has established its Bigeye Tuna Statistical Document Program, and that the Indian Ocean Tuna Commission (IOTC) has also established its Bigeye Tuna Statistical Document Program,

Recognizing that the Statistical Document Program is an effective tool to assist the Commission’s effort for the elimination of illegal, unregulated and unreported (IUU) fishing operations,

Recommends that,

1. Contracting Parties, **by March 1, 2003** or as soon as possible thereafter, require that all bigeye tuna, when imported into the territory of a Contracting Party, be accompanied by an IATTC Bigeye Tuna Statistical Document which meets the requirements described in **Annex 1** or an IATTC Bigeye Tuna Re-export Certificate which meets the requirements described in **Annex 2**. Bigeye tuna caught by purse seiners and baitboats and destined principally for canneries are not subject to this statistical document requirement. The Commission and the Contracting Parties importing bigeye tuna shall contact all the exporting countries to inform them of this Program in advance of the implementation of the Program.
2. (1) The IATTC Bigeye Tuna Statistical Document must be validated by a government official or other authorized individual or institution of the flag State of the vessel that harvested the tuna, or, if the vessel is operating under a charter arrangement, by a government official or other authorized individual of the exporting state, and;
(2) The IATTC Bigeye Tuna Re-export Certificate must be validated by a government official or other authorized individual or institution of the state that re-exported the tuna.
3. Each Contracting Party shall provide to the Director sample forms of its statistical document and re-export certificate required with bigeye tuna imports and information on validation in the format specified in **Annex 4**, and inform him of any change in a timely fashion.
4. The Contracting Parties which export or import bigeye tuna shall compile data from the Program.
5. The Contracting Parties which import bigeye tuna shall report the data collected by the Program to

the Director each year by April 1 for the period of July 1 - December 31 of the preceding year and October 1 for the period of January 1 - June 30 of the current year, which shall be circulated to all the Contracting Parties by the Director. The formats of the report are attached as **Annex 3**.

6. The Contracting Parties which export bigeye tuna shall examine export data upon receiving the import data mentioned in paragraph 5 above from the Director, and report the results to the Commission annually.
7. The Contracting Parties should exchange copies of statistical documents and re-export certificates to facilitate the examination mentioned in paragraph 6, consistent with domestic laws and regulations.
8. The Commission shall request cooperating non-contracting parties to take the measures described in the above paragraphs.
9. The Director shall request information on validation from all the non-Contracting Parties/Entities/Fishing Entities fishing and exporting bigeye tuna to Contracting Parties, and request them to inform him in a timely fashion of any changes to the information provided.
10. The Director shall maintain and update information specified in paragraphs 3 and 9 and provide it to all the Contracting Parties, and promptly circulate any changes.
11. The Commission shall request the non-Contracting Parties which import bigeye tuna to cooperate with implementation of the Program and to provide to the Commission data obtained from such implementation.
12. Implementation of this Program shall be in conformity with relevant international obligations.
13. At the initial stage of the Program, the statistical documents and the re-export certificates will be required for frozen bigeye products. Prior to implementing this Program for fresh products, several practical problems need to be solved, such as guidelines to ensure procedures to handle fresh products at customs.
14. The statistical documents for bigeye tuna caught by fishing vessels flying the flag of a Member State of the European Community may be validated by the competent authorities of the Member State whose flag the vessel flies or by those of a different Member State where the products are landed, provided the corresponding quantities of bigeye tuna are exported outside the Community from the territory of the Member State of landing.
15. Notwithstanding the provisions of paragraph 1, the Contracting Parties shall implement this resolution **by March 1, 2003** or as soon as possible thereafter in accordance with the regulatory procedures of each Contracting Party.

Requirements Concerning the IATTC Bigeye Tuna Statistical Document

- 1 The sample form of the IATTC Bigeye Tuna Statistical Document shall be as in the Appendix.
- 2 Customs or other appropriate government officials will request and inspect all import documentation including the IATTC Bigeye Tuna Statistical Document for all bigeye tuna in the shipment. Those officials may also inspect the content of each shipment to verify the information on the document.
- 3 Only complete and valid documents will guarantee that shipments of bigeye tuna will be allowed to enter the territory of Contracting Parties.
- 4 Shipments of bigeye tuna that are accompanied by improperly documented Bigeye Tuna Statistical Documents (i.e., improperly documented means that the Bigeye Tuna Statistical Document is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate shipments of bigeye tuna, that are contrary to IATTC conservation efforts, and their entry will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the territory of a Contracting Party or subject to administrative or other sanction.
- 5 The import of fish parts other than the meat, i.e., head, eyes, roe, guts, tails may be allowed without the document.

DOCUMENT NUMBER	IATTC BIGEYE TUNA STATISTICAL DOCUMENT		
EXPORT SECTION			
1.FLAG OF COUNTRY/ENTITY/FISHING ENTITY			
2.NAME OF VESSEL AND REGISTRATION NUMBER (when available)			
3.TRAPS (if applicable)			
4.POINT OF EXPORT (City, State / Province, Country / Entity / Fishing Entity)			
5.AREA OF CATCH (check one of the following) (a) EPO(East of 150°W) (b) the rest of Pacific (c) Atlantic (d) Indian * In case of (b), (c) or (d) checked, the item 6 and 7 below do not need to be filled out.			
6.DESCRPTION OF FISH			
Product Type (*1)	Gear Code(*2)	Net Weight (Kg)	
F/FR D/GG/DR/FL/OT			
*1= F=Fresh, FR=Frozen, RD=Round, GG=Gilled and Guttred, DR=Dressed, FL=Fillet OT=Other, describe the type of product *2= When the Gear Code is OT, describe the type of gear, _____.			
7.EXPORTER CERTIFICATION <u>I certify that the above information is complete, true, and correct to the best of my knowledge and belief.</u>			
Name	Company name	Address	Signature Date License Number (if applicable)
8.GOVERNMENT VALIDATION <u>I validate that information listed above is complete, true, and correct to the best of my knowledge and belief.</u>			
Total weight of the shipment _____ Kg		Date Government Seal	
Name & Title		Signature	
IMPORT SECTION:			
IMPORTER CERTIFICATION <u>I certify that the above information is complete, true, and correct to the best of my knowledge and belief.</u>			
Importer Certification (Intermediate Country / Entity / Fishing Entity)			
Name	Address	Signature	Date License # (if applicable)
Importer Certification (Intermediate Country / Entity / Fishing Entity)			
Name	Address	Signature	Date License # (if applicable)
Final Point of Import			
City	State/Province	Country / Entity / Fishing Entity	

NOTE: If a language other than English is used in completing this form. Please add the English translation on this document.

INSTRUCTIONS

DOCUMENT NUMBER: Block for the issuing Country to designate a country coded Document Number.

(1) FLAG COUNTRY/ENTITIES/FISHING ENTITIES: Fill in the name of the country of the vessel that harvested the bigeye tuna in the shipment and issued this Document. According to the Resolution, only the flag state of the vessel that harvested the bigeye tuna in the shipment or, if the vessel is operating under a charter arrangement, the exporting state can issue this Document.

(2) NAME OF VESSEL AND REGISTRATION NUMBER (when available): Fill in the name and registration number of the vessel that harvested the bigeye tuna in the shipment.

(3) TRAPS (if applicable): Fill in the name of the trap that harvested the bigeye tuna in the shipment.

(4) POINT OF EXPORT: Identify the City, State or Province, and Country from which the bigeye tuna was exported.

(5) AREA OF CATCH: Check the area of catch. (If (b), (c) or (d) checked, items 6 and 7 below do not need to be filled out.)

(6) DESCRIPTION OF FISH: The exporter must provide, to the highest degree of accuracy, the following information. **NOTE:** One row should describe one product type

(1) Product Type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment.

(2) Gear Code: Identify the gear type which was used to harvest the bigeye tuna using the list below. For OTHER TYPE, describe the type of gear, including farming.

(3) Net product weight in kilograms.

(7) EXPORTER CERTIFICATION: The person or company exporting the bigeye tuna shipment must provide his/her name, company name, address, signature, date the shipment was exported, and dealer license number (if applicable).

(8) GOVERNMENT VALIDATION: Fill in the name and full title of the official signing the Document. The official must be employed by a competent authority of the flag state government of the vessel that harvested the bigeye tuna appearing on the Document or other individual or institution authorized by the flag state. When appropriate, this requirement is waived according validation of the document by a government official, or if the vessel is operating under a charter arrangement, by a government official or other authorized individual or institution of the exporting state. The total weight of the shipment shall also be specified in this block.

(9) IMPORTER CERTIFICATION: The person or company that imports bigeye tuna must provide his/her name, address, signature, date the bigeye was imported, license number (if applicable), and final point of import. This includes imports into intermediate countries. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

GEAR CODE:

GEAR CODE	GEAR TYPE,
BB	BAITBOAT
GILL	GILLNET
HAND	HANDLINE
HARP	HARPOON
LL	LOGLINE
MWT	MID-WATER TRAWL
PS	PURSE SEINE
RR	ROD AND REEL
SPHL	SPORT HANDLINE
SPOR	SPORT FISHERIES UNCLASSIFIED
SURF	SURFACE FISHERIES UNCLASSIFIED
TL	TENDED LINE
TRAP	TRAP
TROL	TROLL
UNCL	UNSPECIFIED METHODS
OT	OTHER TYPE

RETURN A COPY OF COMPLETED DOCUMENT TO: (the name of the office of the competent authority of the flag state).

Requirements Concerning the IATTC Bigeye Tuna Re-export Certificate

- 1 The sample form of the IATTC Bigeye Tuna Re-export Certificate shall be as in the Appendix.
- 2 Customs or other appropriate government officials will request and inspect all import documentation including the IATTC Bigeye Tuna Re-export Certificate for all bigeye tuna in the shipment. Those officials may also inspect the content of each shipment to verify the information on the document.
- 3 Only complete and valid documents will guarantee that shipments of bigeye tuna will be allowed to enter the territory of Contracting Parties.
- 4 A Contracting Party shall be free to validate IATTC Bigeye Tuna Re-export Certificates for bigeye tuna imported by that Contracting Party, to which IATTC Bigeye Tuna Statistical Documents or IATTC Bigeye Tuna Re-export Certificates are attached. IATTC Bigeye Tuna Re-export Certificates shall be validated by government organizations or by recognized institutions which are accredited by a Contracting Party's government to validate the IATTC Bigeye Tuna Statistical Document. A copy of the original Bigeye Tuna Statistical Document accompanying the imported bigeye tuna must be attached to an IATTC Bigeye Tuna Re-export Certificate. The copy of the original Bigeye Tuna Statistical Document so attached must be verified by that government organization or by that recognized institution accredited by a government which validated the IATTC Bigeye Tuna Statistical Document. When re-exported bigeye tuna is again re-exported, all copies of documents, including a verified copy of a Statistical Document and Re-export Certificate which accompanied that bigeye tuna upon importation, must be attached to a new Re-export Certificate to be validated by a re-exporting Contracting Party. All copies of the Documents to be attached to that new Re-export Certificate must be also be verified by a government organization or a recognized institution accredited by a government which validated the IATTC Bigeye Tuna Statistical Document.
- 5 Shipments of bigeye tuna that are accompanied by improperly documented Bigeye Tuna Re-export Certificate (i.e., improperly documented means that the Bigeye Tuna Re-export Certificate is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate shipments of bigeye tuna, that are contrary to IATTC conservation efforts, and their entry will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the territory of a Contracting Party or subject to administrative or other sanction
- 6 IATTC Contracting Parties that validate Re-export Certificates in accordance with the procedure set forth in paragraph 4 shall require from the re-exporting bigeye dealer necessary documents (e.g. written sales contracts) which are to certify that the bigeye tuna to be re-exported corresponds to the imported bigeye tuna. Contracting Parties which validate Re-export Certificates shall provide flag states and importing states with evidence of this correspondence upon their request.
- 7 The import of fish parts other than the meat, i.e., head, eyes, roe, guts, tails may be allowed without the document.

DOCUMENT NUMBER	IATTC BIGEYE TUNA RE-EXPORT CERTIFICATE			
RE-EXPORT SECTION:				
1. RE-EXPORTING COUNTRY / ENTITY / FISHING ENTITY				
2. POINT OF RE-EXPORT				
3. DESCRIPTION OF IMPORTED FISH				
F/FR	Product Type(*) RD/GG/DR/FL/OT	Net Weight (Kg)	Flag country/ Entity/Fishing Entity	Date of Import
4. DESCRIPTION OF FISH FOR RE-EXPORT				
F/FR	Product Type(*) RD/GG/DR/FL/OT	Net Weight (Kg)		
* F=FRESH, FR=Frozen, RD=Round, GG=Gilled and Guttled, DR=Dressed, FL=Fillet OT=Other(Describe the type of product)				
5. RE-EXPORTER CERTIFICATION: <u>I certify that the above information is complete, true and correct to the best of my knowledge and belief.</u>				
Name/Company Name Address Signature Date License Number (if applicable)				
6. GOVERNMENT VALIDATION: <u>I validate that the above information is complete, true and correct to the best of my knowledge and belief.</u>				
Name & Title Signature Date Government Seal				
IMPORT SECTION:				
7. IMPORTER CERTIFICATION: <u>I certify that the above information is complete, true and correct to the best of my knowledge and belief.</u>				
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name	Address	Signature	Date	License # (if applicable)
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name	Address	Signature	Date	License # (if applicable)
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name	Address	Signature	Date	License # (if applicable)
Final Point of Import				
City _____ State/Province _____ Country / Entity / Fishing Entity				

NOTE: If a language other than English is used in completing this form. Please add the English translation on this document.

INSTRUCTIONS

DOCUMENT NUMBER: Block for the issuing Country/Entity/Fishing Entity to designate a Country/Entity/Fishing Entity coded document number.

(1) RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY

Fill in the name of the Country/Entity/Fishing Entity which re-exports the bigeye tuna in the shipment and issued this Certificate. According to the Resolution, only the re-exporting Country/Entity/Fishing Entity can issue this Certificate.

(2) POINT OF RE-EXPORT

Identify the City/State Province and Country/Entity/Fishing Entity from which the bigeye tuna was re-exported.

(3) DESCRIPTION OF IMPORTED FISH

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms. (3) Flag Country/Entity/Fishing Entity: the name of the Country/Entity/Fishing Entity of the vessel that harvested the bigeye tuna in the shipment. (4) Date of import: Imported date.

(4) DESCRIPTION OF FISH FOR RE-EXPORT

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms.

(5) RE-EXPORTER CERTIFICATION

The person or company re-exporting the bigeye tuna shipment must provide his/her name, address, signature, date the shipment was re-exported, and re-exporter's license number (if applicable).

(6) GOVERNMENT VALIDATION

Fill in the name and full title of the official signing the Certificate. The official must be employed by a competent government authority of the re-exporting Country/Entity/Fishing Entity appearing on the Certificate, or other individual or institution authorized to validate such certificates by the competent government authority.

(7) IMPORTER CERTIFICATION

The person or company that imports bigeye tuna must provide his/her name, address, signature, date the bigeye tuna was imported, license number (if applicable) and re-exported final point of import. This includes imports into intermediate Countries/Entities/Fishing Entities. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

RETURN A COPY OF THE COMPLETED CERTIFICATE TO: (the name of the office of the competent authority of the re-exporting Country/Entity/Fishing Entity).

Flag Country/Ent ity/Fishing Entity	Area Code	Gear Code	Point of Export	Product Type		Product Wt.(Kg)
				F/FR	RD/GG/DR/FL/ OT	

BB	Baitboat
GILL	Gillnet
HAND	Handline
HARP	Harpoon
LL	Longline
MWT	Mid-water trawl
PS	Purse seine
RR	Rod & reel
SPHL	Sport Handline
SPOR	Sport fisheries unclassified
SURF	Surface fisheries unclassified
TL	Tended line
TRAP	Trap
TROL	Troll
UNCL	Unclassified methods
OTH	Other type (Indicate the type of gear):

F	Fresh
FR	Frozen
RD	Round
GG	Gilled & gutted
DR	Dressed
FL	Fillet
OT	Other form, describe the type of products in the shipment

EPO Eastern Pacific Ocean
RPO Rest of Pacific Ocean
AT Atlantic
ID Indian Ocean

REPORT OF THE IATTC BIGEYE TUNA RE-EXPORT CERTIFICATE

Period _____ to _____, _____ IMPORT COUNTRY/ENTITY/FISHING ENTITY
 Month Month Year

Flag Country/E ntity/Fishi ng Entity	Re-export Country/En tity/Fishing Entity	Point of Re-export	Product Type		Product Wt.(Kg)
			F/FR	RD/GG/DR/FL/OT	

Product type

F Fresh
 FR Frozen
 RD Round
 GG Gilled & gutted
 DR Dressed
 FL Fillet
 OT Other form, describe the type of products in the shipment

INFORMATION ON VALIDATION OF IATTC STATISTICAL DOCUMENTS

1 Flag

2 Government/Authority Organization(s) accredited to validate Statistical Documents

Organization Name	Organization Address	Sample Seal

NOTE: For each organization, attach a list with the names, titles and addresses of the individuals authorized to validate Documents.

3 Other institutions accredited by the government/authority to validate Statistical Documents

Organization Name	Organization Address	Sample Seal

NOTE: For each organization, attach a list with the names, titles and addresses of the individuals authorized to validate Documents.

Instructions

Contracting Parties, non-Contracting Parties, Entities, Fishing Entities having vessels that harvest species whose international trade must be accompanied by Statistical Documents are requested to submit the information on this sheet to the Director of the IATTC*, and to ensure that any changes to the above are also transmitted to the Secretary on a timely fashion.

*IATTC: 8604 La Jolla Shores Drive, La Jolla CA 92037-1508, USA

Dealer No. 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 **Dealer Name** _____

Gear Used (check one)

NMFS COPY

NOAA 88-144

OMB 0648-0040
(Expires XX/XX/XX)



DOC/NOAA/NMFS
Highly Migratory Species
One Blackburn Drive
Gloucester, MA 01930-2298

DEALER PERMIT NUMBER: _____

DEALER REPORT FORM FOR LARGE MEDIUM AND GIANT ATLANTIC BLUEFIN TUNA

Pursuant to 16 U.S.C. 971, 16 U.S.C. 1801, and 50 CFR Part 635

Under the provisions of the Paperwork Reduction Act of 1995 (PL 104-13) and the Privacy Act of 1974 (PL 93-579), you are advised that disclosure of the information requested in this logbook is mandatory for the purpose of managing the Atlantic bluefin tuna fishery. The data is used to monitor landings of Atlantic bluefin tuna. Reporting burden for the collection of information is estimated to average 3 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, tagging the fish, and completing and submitting the information. Pursuant to Section 402(b) of the Magnuson-Stevens Act, and consistent with NOAA Administrative Order 216-100 (Confidentiality of Fisheries Statistics), the Agency does not release confidential information submitted in compliance with provisions of the Act, other than in aggregate form and under circumstances required or authorized by law. Whenever data are requested or released to the general public, the Agency ensures that information on the pecuniary business activity of a dealer is not identified. Because you have been provided with a currently valid OMB control number for a collection of information subject to the requirements of the Paperwork Reduction Act you are required to respond to, or be subject to penalty for failing to comply with, this collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to: NMFS, Highly Migratory Species Division, 1 Blackburn Drive, Gloucester, MA 01930-2298.



DEALER REPORTING FOR HIGHLY MIGRATORY SPECIES

OMB# 0648-0040 - Exp XX/XX/XXXX
Schedule No. NMFS Use Only:

Affix label here (optional):

Please Use Black Ink Only

Dealer Name:

SE Dealer #: D L R - State - Permit No. - Year

Begin Date: MM DD YYYY

NE Dealer #: Permit No. (optional)
(Enter both southeast and northeast permit numbers, if applicable to your facility.)

End Date: MM DD YYYY

Facility Location (County and State):

County State

Were any fish Purchased for this Period? Yes No

Phone No:

Contact: (optional)

Shark Species	NMFS CODE	Dressed Weight	Price / Pound
LARGE COASTAL SHARKS			
Blacktip	3495		
Bull	3497		
Hammerhead	3516		
Lemon	3517		
Night	3494		
Nurse	3480		
Sandbar	3513		
Silky	3493		
Spinner	3496		
Tiger	3515		
Other/Unknown	3508		

PELAGIC SHARKS			
Blue	3504		
Mako-Shortfin	3505		
Oceanic Whitetip	3498		
Porbeagle	3501		
Thresher	3509		
Other/Unknown	3508		

SMALL COASTAL SHARKS			
Atlantic Sharpnose	3518		
Blacknose	3485		
Bonnethead	3483		
Finetooth	3481		
Other/Unknown	3508		

SHARK FINS		Wet or Dry Weight?	\$W or \$D?
Shark Fins (A)	3475		
Shark Fins (B)	3475		
Shark Fins (C)	3475		
Shark Fins (D)	3475		
Shark Fins (E)	3475		

Large Pelagic Species	NMFS CODE	Dressed Weight	Price / Pound
SWORDFISH			
Swordfish > 300 lbs	4325		
Swordfish 200-299 lbs	4326		
Swordfish 100-199 lbs	4321		
Swordfish 50-99 lbs	4322		
Swordfish 26-49 lbs	4323		
Swordfish 0-25 lbs (rats)	4324		
Sword. chunks	4327		

MAJOR TUNAS			
Albacore Tuna	4651		
Bigeye	4657		
Bigeye chunks	4657		
Atlantic Bonito	0330		
Blackfin Tuna	4658		
Skipjack	4654		
Yellowfin	4655		
Yellowfin 40-59 lbs	4655		
Yellowfin 20-39 lbs	4655		
Yellowfin chunks	4655		

OTHER SPECIES			
Dolphin Mahi	1050		
Great Amberjack	1812		
King Mackerel	1939		
Oilfish/Escolar	2502		
Wahoo	4710		



MAIL THIS COPY TO:
LOGBOOK PROGRAM, PO BOX 491740,
Miami, FL 33149



Schedule Number:

In a Medium Black Felt Tip Pen, list the Date Landed, Vessel Name, Documentation Number (preferred) or State Registration number, and the Port and State where the fish were unloaded for the purchases recorded on the front of this form.

[illegible]

Public reporting burden for this information collection is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completed & reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Highly Migratory Species Division, National Marine Fisheries Service, F/SF1, 1315 East West Highway, Silver Spring, MD 20910.

Providing the requested information on the dealer form is mandatory and necessary for managing the Atlantic highly migratory species fisheries in accordance with the Atlantic Tunas Convention Act (16 U.S.C. 971 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.). In accordance with NOAA Administrative Order 216-100, it is agency policy not to release confidential fisheries statistics, other than in aggregate form. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

BI-WEEKLY ATLANTIC BLUEFIN TUNA LANDINGS AND EXPORT REPORT

(Check One)

This report is for the two-week period from the 1st to the 15th of the month: ☐ or for the two-week period from the 16th to the end of the month ☐

All bi-weekly reports *must* be postmarked within 10 days of the end of this period.

Dealer _____ Permit Number _____ Person Filling Out Report _____

Date of Landing or Import Month/Day/Year	Vessel Atlantic Tunas Permit #	Plastic Tail Tag #	Weight (KG) (Enter only the weight used to determine price)		Nature of Sale: D=dockside, C=consignment	Price per Kilogram (Enter in only one column)		Quality Rating (Enter A, B or C grade for each quality factor)				Destination of Fish: U = U.S. market, I = Import X = Export RE = Re-Export
			Round	Dressed		Round	Dressed	Freshness	Fat	Color	Shape	U, X, I or RE

ALL PRICES *MUST* BE ENTERED. PLEASE USE ADDITIONAL SHEETS FOR ADDITIONAL SALES.

Under the provisions of the Paperwork Reduction Act of 1995 (PL 104-13) and the Privacy Act of 1974 (PL 93-579), you are advised that disclosure of the information requested in the dealer report form logbook is mandatory for the purpose of managing the bluefin tuna fishery. The data is used to monitor landings and trade of Atlantic bluefin tuna. Reporting burden for the collection of information is estimated to average 15 minutes per completed form, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Pursuant to Section 402(b) of the Magnuson-Stevens Act, and consistent with NOAA Administrative Order 216-100 (Confidentiality of Fisheries Statistics), the Agency does not release confidential information submitted in compliance with provisions of the Act, other than in aggregate form and under circumstances required or authorized by law. Whenever data are requested or released to the general public, the Agency ensures that information on the pecuniary business activity of a dealer is not identified. Because you have been provided with a currently valid OMB control number for a collection of information subject to the requirements of the Paperwork Reduction Act you are required to respond to, or be subject to penalty for failing to comply with, this collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to: NMFS, Highly Migratory Species Division, 1 Blackburn Drive, Gloucester, MA 01930-2298.

BI-WEEKLY ATLANTIC BLUEFIN TUNA DEALER REPORT INSTRUCTION SHEET

Dear Bluefin Tuna Dealer:

Pursuant to regulations governing recordkeeping and reporting for the Atlantic bluefin tuna (BFT) fishery [50 CFR §635.5 (b)(2)] Atlantic bluefin tuna dealers are required to submit bi-weekly* reports to the Regional Director on forms supplied by the National Marine Fisheries Service (NMFS). Bi-weekly reports must be postmarked and mailed, at the dealer's expense, within 10 days after the end of each 2-week reporting period in which BFT were purchased, received or imported.

Please use this instruction sheet as a guideline to complete the bi-weekly report by entering the requested data in the appropriate column for each case in which BFT are purchased, received or imported.

(1) Two Week Reporting Period: Indicate the two week period of the month for which you are reporting purchase, receipt or import of BFT. The biweekly reporting periods are defined as the first day through the 15th day of each month and the 16th day through the last day of the month.

(2) Dealer: Indicate the name of the dealer reporting purchase, receipt or import of BFT.

(3) Permit Number: Indicate the dealer's permit number issued by NMFS.

(4) Person Filling Out Report: Indicate the name of the individual completing the bi-weekly report.

(5) Date of Landing: Indicate the date the BFT was landed.

(6) Atlantic Tunas Vessel Permit Number: Indicate the NMFS Atlantic tunas vessel permit number of the vessel that landed the BFT.

(7) Tail Tag Number: Indicate the serial number of the plastic tail tag that was affixed to the BFT carcass.

(8) Weight: Indicate the weight, in pounds, of the BFT according to the form, either **Round** or **Dressed**, in which the carcass was purchased. NOTE: Enter the weight of one BFT in one sub-column, only.

(9) Nature of Sale: Indicate whether the sale was **Consignment** or **Dockside**. NOTE: Choose one, only.

(10) Price Per Pound: Indicate the price per pound in the appropriate sub-column according to the form, either **Round** or **Dressed**, in which the BFT was purchased. (The price per pound should reflect the balance paid to the fisherman) NOTE: Enter the price per pound of the one BFT in one sub-column, only.

(11) Quality Rating:** BFT should receive grade from dealers according to four quality factors that include: Freshness, Fat Content, Color, and Shape of the BFT. Dealers should assign a grade of A, high quality; B, above average quality; or C, average quality to rate each of the four quality factors.

(12) Destination of Fish: Indicate the destination of the BFT by assigning a **U** to shipments bound for the United States domestic market, or an **X** to designate shipments exported from the United States.

(13) Page Number: Indicate the number of pages, if more than one bi-weekly report is used to record BFT purchased, received or imported during a two week reporting period. The page number and total pages should be noted, in sequence, at the bottom of the bi-weekly report.

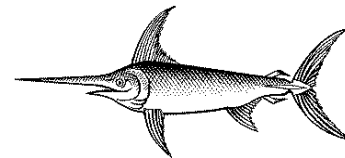
Completed bi-weekly reporting forms should be mailed to the following address: DOC/NOAA/NMFS, HMS Division, One Blackburn Drive, Gloucester, MA 01930-2298.

* Copies of each bi-weekly report should be maintained, by the dealer, for a period of two years from the date on which each report was required to be submitted to the Regional Director.

** Quality rating is subjective and will vary from dealer to dealer. Though quality rating is optional, dealers are encouraged to complete these columns as price and quality information may be used by NMFS in assessing the impacts of management regulations.



**HMS BI-WEEKLY DEALER REPORT:
SWORDFISH, BLUEFIN TUNA, SOUTHERN BLUEFIN TUNA, AND BIGEYE TUNA
IMPORT/EXPORT/RE-EXPORT ACTIVITIES**



Dealer Name: _____ **Dealer Permit #:** _____

Contact Name: _____ **Phone #:** _____

(Check one) This report is for the 2-week period from the 1st to the 15th of the month. ☐ This report is for the 2-week period from the 16th to the end of the month. ☐

All bi-weekly reports must be postmarked within 10 days of the end of the above indicated period. Attach all corresponding Statistical Documents. Use additional sheets if necessary.

Date of Import/Export/ (mm/dd/yy)	Statistical Document Number	Re-Export Certificate Number (if applicable)	Entry Number from US Customs Form 7501 (11 digit no.)	Species (SWO, BET, SBT, or BFT)	Shipment Weight (kg) (if applicable)	Condition (Fresh or Frozen)	Product Form (round, headed & gutted [H&G], steaks, fillets, loins, dressed, etc.)	Weight of Individual Fish (kg) (if applicable)	Price per kg	State/State Landing Document Number (if applicable)	Tag Number (if applicable)	Destination of Fish U=US Market X=Export RE=Re-export

PAPERWORK REDUCTION ACT NOTICE: Collection of information through dealer trade reports is mandatory for the purpose of managing highly migratory species (HMS) fisheries. The data are used to monitor trade of HMS. Reporting burden for the collection of information is estimated to average 15 minutes per completed form, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Send comments regarding this burden estimate or suggestions for reducing this burden to: NMFS, Highly Migratory Species Division, 1315 East-West Highway, Silver Spring, MD 20901. Pursuant to Section 402(b) of the Magnuson-Stevens Act, and consistent with NOAA Administrative Order 216-100 (Confidentiality of Fisheries Statistics), the Agency does not release confidential information submitted in compliance with provisions of the Act, other than in aggregate form and under circumstances required or authorized by law. Whenever data are requested or released to the general public, the Agency ensures that information on the pecuniary business activity of a dealer is not identified. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

OMB # 0648-0040 EXPIRES XX/XX/XX

Instructions for Completing the HMS Bi-Weekly Dealer Report Form

Under Federal regulations, as specified in section 50 CFR 635.5, dealers that have been issued an HMS International Trade Permit by the National Marine Fisheries Service (NMFS) are required to report all domestic landings, imports, exports and re-exports of swordfish, bluefin tuna, southern bluefin tuna, and bigeye tuna. The completed form should be submitted to NMFS not later than 10 days after the end of each period. You must submit this form to NMFS, XXXXXXXXXXXXXXXX. The reporting periods are the 1st through the 15th and the 16th through the end of the month.

This form is to be used to report the total quantity of swordfish, bluefin tuna, southern bluefin tuna, and bigeye tuna imported, exported, or re-exported during the two-week reporting period. You may photocopy this form for future use or submit multiple forms for each bi-weekly period if you need extra space to report multiple shipments.

The following are the instructions that apply to the completion of the form. Please do not forget to attach the Statistical Documents (SD) and Re-Export Certificates that correspond to the shipments reported on this form. Ensure that the corresponding U.S. Customs Form 7501 Entry Number is written on each SD.

Dealer Name	Print the name of the company as it appears on the permit application. Please avoid abbreviations or aliases.
Dealer Permit #	Print the permit number that has been issued by the National Marine Fisheries Service.
Contact Person	Name of person who prepared the form
Phone #	Phone number of contact person
Report Period	Check appropriate box for reporting period.
Date	Enter the date of import/export/re-export or landing.
Statistical Doc #	Enter the Statistical Document number.
Re-Export #	Enter the Re-Export Certificate number if applicable.
Entry Number	Enter the U.S. Customs 11-digit entry number
Species	Indicate species: Swordfish (SWO), Big Eye Tuna (BET) Bluefin Tuna (BFT), Southern Bluefin Tuna (SBT).
Weight	Enter the weight for the species (kg) indicated in previous column
Condition	Indicate whether the product is fresh or in frozen condition.
Product Form	Indicate the form of the product (e.g., H&G, loins, steaks, fillets, dressed, etc.)
Weight of H&G fish	For Swordfish that are being imported as a headed and gutted product, identify the weight of each individual fish in the shipment.
Price per kg	Record the price per kg that was paid for purchases of imported fish.
State/State Landing Document Number	Enter the State Landing Document Number
Tag Number	Enter the corresponding tail tag for bluefin tuna if applicable.
Destination of Fish	Indicate the destination of the fish, US Market (U), Export (X), Re-export (RE).

If there was no import, export, re-export, or domestic tuna purchase during this two week reporting period, a report is not required. For more information about this program, contact XXXXXXXXXXXXXXXXXXXX.

Type of Review: Regular submission.
Affected Public: Business or other for-profit organizations, individuals or households.

Estimated Number of Respondents: 200.

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Burden Hours: 50.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 5, 2003

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-5900 Filed 3-11-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030603F]

Proposed Information Collection; Comment Request; Highly Migratory Species Dealer Reporting Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995,

Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 12, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Dianne Stephan, Highly Migratory Species Division, Northeast Regional Office, National Marine Fisheries Service, 1 Blackburn Dr., Gloucester, MA 01930; phone (978) 281-9397.

SUPPLEMENTARY INFORMATION:

I. Abstract

Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), NOAA is responsible for management of the Nation's marine fisheries. In addition, NOAA must comply with the United States' obligations under the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). NOAA Fisheries must collect domestic landings data for Atlantic highly migratory species via dealer reports in order to provide information vital for fishery management. In addition, the import, export, and re-export of bluefin tuna, bigeye tuna and swordfish must be monitored by the United States in order to comply with international obligations established through membership in the International Commission for the Conservation of Atlantic Tunas (ICCAT). ICCAT has implemented a trade monitoring program for bluefin tuna, bigeye tuna and swordfish to discourage illegal, unregulated and unreported fishing activities as well as further understanding of catches and international trade for these species.

This collection will serve as an umbrella, or family of forms, for Atlantic highly migratory species dealer reporting requirements. Four activities will occur as a result of this action: (1) new reporting requirements will be implemented;

(2) previously approved information collections will be modified and transferred into this collection; (3) previously-approved collections will be renewed; and (4) reporting requirements will be transferred to this collection without modification.

New reporting requirements will be implemented in order to execute recent binding recommendations of ICCAT. Newly required bigeye tuna statistical documents and re-export certificates and document validation upon export will be added to this collection, along with swordfish and bluefin tuna re-export certificates, which must be validated prior to export.

The swordfish import certificate of eligibility will be transferred from collection approval 0648-0363 and expanded into a swordfish statistical document required for import and export of this species; the document must be validated prior to export. The swordfish import biweekly reporting form will be moved from collection approval 0648-0013 and modified to address bigeye tuna and swordfish imports, exports, and re-exports.

The required use of bluefin tuna statistical documents in the international trade of bluefin tuna will be renewed by this action, along with validation of these forms prior to export (0648-0040).

Finally, the HMS domestic biweekly landings report and associated negative reporting used by the southeast region of NOAA Fisheries will be incorporated from collection approval 0648-0013, and the bluefin tuna tagging, daily landing and biweekly reports will be incorporated from collection approval 0648-0239, both without modification.

II. Method of Collection

Dealer reporting for domestic purchase and international trade of certain Atlantic and Pacific highly migratory species is covered by this collection. Specifically, this collection addresses dealer reporting for import, export and re-export of Atlantic and Pacific swordfish, bigeye, and bluefin tuna; and domestic purchase of Atlantic tunas, Atlantic swordfish, and Atlantic sharks.

Under this collection, dealers who import, export, or re-export bluefin tuna, bigeye tuna or swordfish must report all transactions to NOAA on biweekly reporting forms which may be mailed or faxed. Species-specific statistical documents for export must be completed and transferred with the shipment, with copies mailed or faxed to NOAA. Original statistical documents for imports terminated in the U.S. must be mailed to NOAA Fisheries. When bluefin tuna, bigeye tuna, or swordfish are re-exported, a re-export certificate must be completed and transferred with the shipment with copies provided to NOAA Fisheries. Shipments for export and/or re-export must be validated through certification by a government

official or government-approved validating institution or alternatively fish carcasses may be tagged by the dealer prior to export.

For domestically-landed Atlantic bluefin tuna, dealers must tag each individual carcass with a tail tag and fax a landing card within 24 hours after landing to NOAA Fisheries. Biweekly reports recording fish size and tag number must be submitted by fax or mail. Dealers along the Atlantic and Gulf coasts must also submit biweekly reports recording domestically-landed bigeye tuna, albacore tuna, yellowfin tuna, skipjack tuna, swordfish, and sharks caught from the Atlantic Ocean or Gulf of Mexico.

III. Data

OMB Number: 0648-0040.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,110.

Estimated Time Per Response: 5 minutes each for statistical documents and re-export certificates; 1 minute for tagging; 2 hours for certification; 17 minutes for bigeye tuna/swordfish trade biweekly report; 15 minutes for Southeast Region HMS dealer report; 3 minutes for Southeast Region HMS dealer negative reporting; 8 minutes for Pacific bluefin tuna biweekly dealer report; 15 minutes for Atlantic BFT biweekly dealer report; 2 minutes for landing cards.

Estimated Total Annual Burden Hours: 44,324.

Estimated Total Annual Cost to Public: \$20,262.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 5, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-5901 Filed 3-11-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030503B]

South Atlantic Fishery Management Council; Essential Fish Habitat/Fishery Ecosystem Plan Technical Workshops

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Workshops 11 and 12, Coral, Coral Reef and Live hard Bottom Habitat and Artificial Reef Workshops.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold two technical workshops in St. Petersburg, FL involving its Habitat & Environmental Protection Advisory Panel, Coral Advisory Panel and invited scientists with background in specific habitat type or species utilization patterns. See **SUPPLEMENTARY INFORMATION**.

DATES: The workshops will take place on March 26 and 27, 2003. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The workshops will be held at the Florida Marine Research Institute, 100 Eighth Ave. SE, St. Petersburg, FL 33701-5095; telephone: 727/896-8626.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, S.C., 29407; telephone: 843/571-4366 or 866/SAFMC-10; fax: 843/769-4520.

SUPPLEMENTARY INFORMATION: Workshop participants will meet from 9 a.m. until 5 p.m. on March 26, 2003 and again from 9 a.m. until 3 p.m. on March 27, 2003. This workshop process will initiate development of a South Atlantic Council Fishery Ecosystem Plan (FEP) which presents fishery and resource information for fisheries in the South Atlantic Bight ecosystem in context. The workshop processes will integrate two directives in the Final Rule for Essential Fish Habitat: 1) Review and update Essential Fish Habitat information, and 2) Consider ecosystem-based management through development of a

Fishery Ecosystem Plan for the South Atlantic Region.

The Council recognizes the scope of the significant task necessary to meet the new essential fish habitat mandates and directive to begin evaluating ecosystem-based management through the development of an FEP and is again calling upon the Habitat Advisory Panel members and other technical experts involved in the previous Habitat Plan development process to serve as or identify appropriate experts to function on a quasi-plan development team for this task. The Habitat and Coral Advisory Panel are scheduled to meet this fall and will provide additional guidance on the workshop process and ecosystem management.

A Final essential fish habitat (EFH) Rule was published on January 17, 2002 replacing the interim Final Rule of December 19, 1997 on which the original EFH and EFH-Habitat Area of Particular Concern (HAPC) designations were made. The Councils have, pursuant to the Final EFH Rule, been directed to update EFH and EFH-HAPC information and designations; in addition, pursuant to revisions to NOAA General Council interpretation of the National Environmental Policy Act (NEPA), the Councils will be required to update all Environmental Impact Statements for all Federal Fishery Management Plans under their jurisdiction. Information compiled during this process will further facilitate meeting both the EFH and the NEPA mandate. As was done with the original Habitat Plan, a series of technical workshops will be conducted by Council habitat staff, in cooperation with NMFS/National Ocean Service (NOS) Beaufort Laboratory, NMFS Southeast Fishery Science Center (SEFSC) Miami Laboratory, NMFS Southeast Regional Office (SERO) personnel and invited participants. Workshops are intended to build on a review of existing information presented in the Habitat Plan, and focus on updating information pursuant to the new EFH Rule. This effort will begin the integration of comprehensive details of habitat distribution and characterization, the biology of managed species including their biological and the characteristics of the food web in which they exist.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under

CCSBT
Southern Bluefin Tuna Statistical Document Program

1. Principle/General

- 1.1 For importation into the territory of a Member, all southern bluefin tuna shall be accompanied by a CCSBT Southern Bluefin Tuna Statistical Document. There is no waiver of this requirement.
- 1.2 Implementation of this Program shall be in conformity with relevant international obligations.
- 1.3 The Commission will review the implementation of this Program periodically in a timely manner to ensure the effectiveness and practicability of this Program.
- 1.4 The Commission requests the appropriate authorities of exporting countries/fishing entities to make the requirements under this Program known to their exporters.

2. Information Required

- 2.1 A standard CCSBT Southern Bluefin Tuna Statistical Document form along with its Instruction Sheet is at **Annex 1**. Countries/Fishing Entities are requested to use this form. While minimal modifications such as addition of translations may be made, the standard form should be adopted as far as possible and no information item may be omitted from the standard form.
- 2.2 The import of farmed tuna should be treated in the following way:
 - (a) The Southern Bluefin Tuna Statistical Document shall be validated by the authority of the country/fishing entity where the tuna was raised;
 - (b) In reporting import data collected by the Program under 5.2 to Members, the Executive Secretary shall record the amount of imported farmed fish separately from the rest of the imports for each country/fishing entity;
 - (c) When completing the CCSBT Southern Bluefin Tuna Statistical Document for farmed tuna, the name of the export country/fishing entity shall be indicated in item 1 of Export Section of each Document instead of “Flag Country/Fishing Entity of Capture Vessel”, and the name of the Tuna Farm shall be indicated in item 2 of Export Section of each Document instead of “Name of Vessel and Registration Number”; for item 6 (Description of Fish) of Export Section of each Document, “Gear Code” shall be “Farmed”, “Net Weight” shall be filled in with the raised products’ weight, and “Time of Harvest” and “Area of Catch” are not necessary to be filled in while other columns shall be filled in as in the case of the normal Document;

- (d) Members shall maintain aggregated information on their tuna farms which raise exported tuna. The following information will be recorded: the name of the fishing vessel which caught the tuna for farming, the flag country/fishing entity of that fishing vessel, the gear code, the amount of original catch, the area of catch, the date of reception of tuna, and growth rate and mortality rate of fish through farming.
- (e) Members shall submit such information to the Secretariat every six months on average. Urgent requests for information outside this framework should be substantiated to the Commission by the requesting Member in order to minimise the burden of such requests.

3. Validation

- 3.1 The CCSBT Southern Bluefin Tuna Statistical Document shall be validated, in principle, by an official of the flag country/fishing entity of the vessel that harvested the tuna.
- 3.2 The requirement for validation of the Southern Bluefin Tuna Statistical Document by an official under 3.1 with respect to any member of the Commission may be met by an entity duly delegated by the authority of the flag country/fishing entity. The Member which utilizes a delegated entity should submit a certified copy of such delegation to the Executive Secretary.

4. Exchange of Information

- 4.1 If a Member modifies the standard Southern Bluefin Tuna Statistical Document form for its use, it shall provide to the Executive Secretary a copy of such modified form. The Executive Secretary shall provide the modified form to other Members and non-Members fishing and exporting southern bluefin tuna to Members.
- 4.2 Each Member shall provide to the Executive Secretary information on validation (e.g. type of validation, name of the organization which validates the documents, title of officials who validate the documents, sample impression of stamp or seal) and inform him of any change in a timely fashion. The Executive Secretary shall request information on validation from all non-Members fishing and exporting southern bluefin tuna to Members, and request them to inform him in a timely fashion of any change in the information provided.
- 4.3 The Executive Secretary shall maintain and update information specified in 4.1 and 4.2, and provide it to all Members and promptly circulate any changes.

5. Record and Report

- 5.1 Members which import southern bluefin tuna shall retain all original Southern Bluefin Tuna Statistical Documents received by them. They shall forward to the Executive Secretary on a quarterly basis copies of all such Documents, but may omit the Import Section other than the final point of import and the date of import.

The Executive Secretary shall compile the raw data from those Documents into an electronic database.

- 5.2 The Executive Secretary shall ensure the confidentiality of the raw data in its database and release to any country/fishing entity only the raw data relating to the Statistical Documents it validated. If a country/fishing entity requests raw data relating to another country/fishing entity, the Executive Secretary may release those data only with the latter's agreement.
- 5.3 The Executive Secretary shall report to the Commission on and circulate to all Members the data collected by the Program each year by 1 June for the period of 1 July - 31 December of the preceding year and by 1 December for the period of 1 January - 30 June of the current year. The formats of the reports are attached as **Annex 2** and **Annex 2a**. The Executive Secretariat shall provide an electronic copy of the report to a designated authority of each Member.
- 5.4 On request by the Scientific Committee or another subsidiary body of the Commission, the Executive Secretary shall, with the approval of the Commission, provide to that body data collected by the Program more frequently or at a greater level of detail than specified in 5.3.
- 5.5 Upon receiving the import data mentioned in 5.3, Members that export SBT shall check their export statistics against them and report the results to the Commission. Where necessary, an exporting Member may obtain from the Secretariat a copy of any Statistical Document it validated, as forwarded to the Secretariat by the importing Member in accordance with 5.1.
- 5.6 The Commission instructs the Executive Secretary to request non-Members which are major importing countries/fishing entities of southern bluefin tuna to cooperate with implementation of the Program and to provide to the Commission data obtained from such implementation.
- 5.7 Subject to 5.9, exporting countries/fishing entities shall keep an electronic record of all SDP documents that they issue. For each SDP document issued, the electronic record will contain the:
 - Unique document number;
 - Whether the document was for captured or farmed SBT;
 - Date of export;
 - Total net weight of SBT exported;
 - Destination (import) country
 - It would also be useful to record the range of capture dates (e.g. Jan 2002 to Aug 2002) for captured SBT to provide more timely data for stock assessment purposes.
- 5.8 Subject to 5.9, exporting countries/fishing entities shall provide an electronic copy of the record from 5.7 to the Executive Secretary. The record shall be provided by 1 May for all exports for the period of 1 July to 31 December of the preceding year and by 1 October for all exports for the period of 1 January to 30 June of the current year.

- 5.9 Exporting countries/fishing entities shall be exempted from 5.7 and 5.8 if they fax copies of all SDP documents to the Executive Secretary. Faxed copies of SDP documents shall be sent within 30 days of the export.
- 5.10 The Executive Secretary shall compare data provided in 5.8 and 5.9 against SDP data received from importing members. The Executive Secretary shall notify the importing members of any missing documents and the importing Member shall attempt to locate and provide those documents. The Executive Secretary shall also notify the exporting country/fishing entity of any discrepancies identified during the comparison of data and the exporting country/fishing entity will attempt to resolve the discrepancies.

6. Re-export

- 6.1 A Member may validate a CCSBT Southern Bluefin Tuna Re-export Certificate (a standard form is attached as **Annex 3**) for southern bluefin tuna imported by that Member, to which a CCSBT Southern Bluefin Tuna Statistical Document or CCSBT Southern Bluefin Tuna Re-export Certificate is attached. The CCSBT Southern Bluefin Tuna Re-export Certificate shall be validated by an official or by an entity duly delegated by the authority of a Member to validate the CCSBT Southern Bluefin Tuna Statistical Document under 3.2. A copy of the original Southern Bluefin Tuna Statistical Document accompanying the imported southern bluefin tuna must be attached to CCSBT Southern Bluefin Tuna Re-export Certificate. The copy of original Southern Bluefin Tuna Statistical Document so attached must be verified by that official or by that entity duly delegated by the authority of a Member which validate the CCSBT Southern Bluefin Tuna Statistical Document. When re-exported southern bluefin tuna is again re-exported, all copies of documents, including verified copy of a Statistical Document and Re-export Certificate which accompanied that southern bluefin tuna upon importation, must be attached to a new Re-export Certificate to be validated by a re-exporting Member. All copies of the Documents to be attached to that new Re-export Certificate must also be verified by an official or an entity duly delegated by the authority of a Member which validated the CCSBT Southern Bluefin Tuna Statistical Document.
- 6.2 Members which import southern bluefin tuna shall accept the Re-export Certificate set forth in 6.1 with attachments of all verified copies as required in 6.1.
- 6.3 Members that validate a Re-export Certificate in accordance with the procedure set forth in 6.1 shall require from the re-exporting southern bluefin tuna dealer necessary documents (e.g. written sales contracts) which are to certify that the southern bluefin tuna to be re-exported corresponds to the imported southern bluefin tuna. Members which validate a Re-export Certificate shall provide the flag country/fishing entity and importing country with evidence of this correspondence upon their request.
- 6.4 The Executive Secretary shall report on and circulate to all Members the data obtained from Re-export Certificates each year by 1 April for the period of 1 July - 31 December of the preceding year and by 1 October for the period of 1 January

- 30 June of the current year. The format of the report is attached as **Annex 4**.

- 6.5 Members may accept a Re-export Certificate validated by a non-Member which has established a scheme substantially identical to the CCSBT Southern Bluefin Tuna Statistical Document Program and implements it in accordance with the requirements of the Program.
- 6.6 The provisions of 5.1 and 5.2 apply also to any Re-export Certificate required to be attached to a Southern Bluefin Tuna Statistical Document.

Annex 1

DOCUMENT NUMBER	CCSBT SOUTHERN BLUEFIN TUNA STATISTICAL DOCUMENT ? Captuer ? Farmed					
EXPORT SECTION:						
1. FLAG COUNTRY/FISHING ENTITY OF CAPTURE VESSEL						
2. NAME OF VESSEL AND REGISTRATION NUMBER (when available)						
3. INFORMATION ON OTHER FORMS OF CAPTURE (eg. Trap)						
4. PROCESSING ESTABLISHMENT (if applicable) NAME AND ADDRESS						
5. POINT OF EXPORT (CITY, STATE OR PROVINCE AND COUNTRY/FISHING ENTITY)						
6. DESCRIPTION OF FISH						
Product (a) F/FR	Type (b) RD/GG/DR/FL/OT	Time of Harvest (mm/yy)	Gear Code (c)	Area of catch (d)	Net Weight (kg)	No. of Fish (when RD, GG or DR)
(a): F=Fresh, FR=Frozen (b): RD=Round, GG=Gilled and Guttled, DR=Dressed, FL=Fillet, OT=Other (describe the type of product; _____.) (c): If the Gear Code is OT, describe the type of gear; _____. (d): Statistical Area of SBT (1 to 10) or Other Areas (11 to 13)						
7. EXPORTER CERTIFICATION <u>I certify that the above information is complete, true, and correct to the best of my knowledge and belief.</u>						
Name	Address	Signature	Date	Licence Number (if applicable)		
8. VALIDATION BY AUTHORITY <u>I validate that the information listed above is complete, true, and correct to the best of my knowledge and belief.</u>						
Name & Title	Signature	Date	Official Seal			
IMPORT SECTION:						
IMPORT SECTION <u>I certify that the above information is complete, true, and correct to the best of my knowledge and belief.</u>						
Importer Certification (Intermediate Country) (if applicable)						
Name	Address	Signature	Date	Licence No (if applicable)		
Importer Certification (Intermediate Country) (if applicable)						
Name	Address	Signature	Date	Licence No (if applicable)		
Importer Certification (Final Destination of Shipment)						
Name	Address	Signature	Date	Licence No (if applicable)		
Final Point of Import: City _____ State or Province _____ Country/Fishing Entity _____						

NOTE1 : If a language other than English is used in completing this form, please add the English translation on this document.
NOTE 2: In case of farmed fish, please refer to the italic part in the instruction sheet.

Southern Bluefin Tuna Statistical Document Instruction Sheet

If a language other than English is used in completing the form, please add the English translation on the Document.

Document Number

Fill in the document number allocated by the exporting country/fishing entity.

Title

Tick the appropriate box.

Export Section

1. Flag Country/Fishing Entity of Capture Vessel

Fill in the name of the country/fishing entity of the registration of the vessel that harvested the southern bluefin tuna in the shipment. This should be the same country/fishing entity as issued this Document. *In case of farmed fish, the name of exporting country/fishing entity should be filled in instead of the name of the country/fishing entity of the vessel.*

2. Name of Vessel and Registration Number (when available)

Fill in the name and registration number of the vessel that harvested the southern bluefin tuna in the shipment. *In case of farmed fish, the name of tuna farm should be filled in instead of the name and registration number of the vessel.*

3. Information of Other Forms of Capture (eg. Trap)

If the southern bluefin tuna in the shipment was caught by means other than the vessel (eg. Trap), fill in the means.

4. Processing Establishment

Fill in the name and address of the processing establishment which processed the southern bluefin tuna in the shipment (if applicable). If it is the same as the exporter, write "same as exporter".

5. Point of Export (City, State or Province and Country/Fishing Entity)

Identify the City, State or Province and Country/Fishing Entity from which the southern bluefin tuna was exported.

6. Description of Fish

The exporter must provide, to the highest degree of accuracy, the following information. NOTE: One row should describe one product type.

- (1) product: Identify the type of product being shipped as either FRESH (F) or FROZEN (FR),
- (2) type: Identify the type of product being shipped as either ROUND (RD), GILLED AND GUTTED (GG), DRESSED (DR), FILLET (FL) or OTHER form (OT); for OTHER, describe the type of products in the shipment,
- (3) time of harvest: Fill in the time of harvest (in month and year) of the southern bluefin tuna in the shipment; *in case of farmed fish, it is not necessary to fill in this column,*

- (4) gear code: Identify the gear type which was used to harvest the southern bluefin tuna using the list below; for OTHER TYPE, describe the type of gear; *in case of farmed fish, write "Farmed"*,

<u>GEAR CODE</u>	<u>GEAR TYPE</u>
BB	Baitboat
GILL	Gillnet
HAND	Handline
HARP	Harpoon
LL	Longline
MWT	Mid-water Trawl
PS	Purse Seine
RR	Rod and Reel
SPHL	Sport Handline
SPOR	Sport Fisheries Unclassified
SURF	Surface Fisheries Unclassified
TL	Tended Line
TRAP	Trap
TROL	Troll
UNCL	Unspecified Method
OT	Other Type

- (5) area of catch: Identify the area in which the southern bluefin tuna was harvested using numbers from 1 to 13 (see the map attached); *in case of farmed fish, it is not necessary to fill in this column,*
- (6) net weight: Net product weight in kilograms; *in case of farmed fish, fill in the raised product's weight,*
- (7) no. of fish: If type is RD, GG or DR, fill in the number of fish.

7. Exporter Certification

The person or company exporting the southern bluefin tuna shipment must provide his/her/its name, address, signature, date the shipment was exported, and dealer licence number (if applicable).

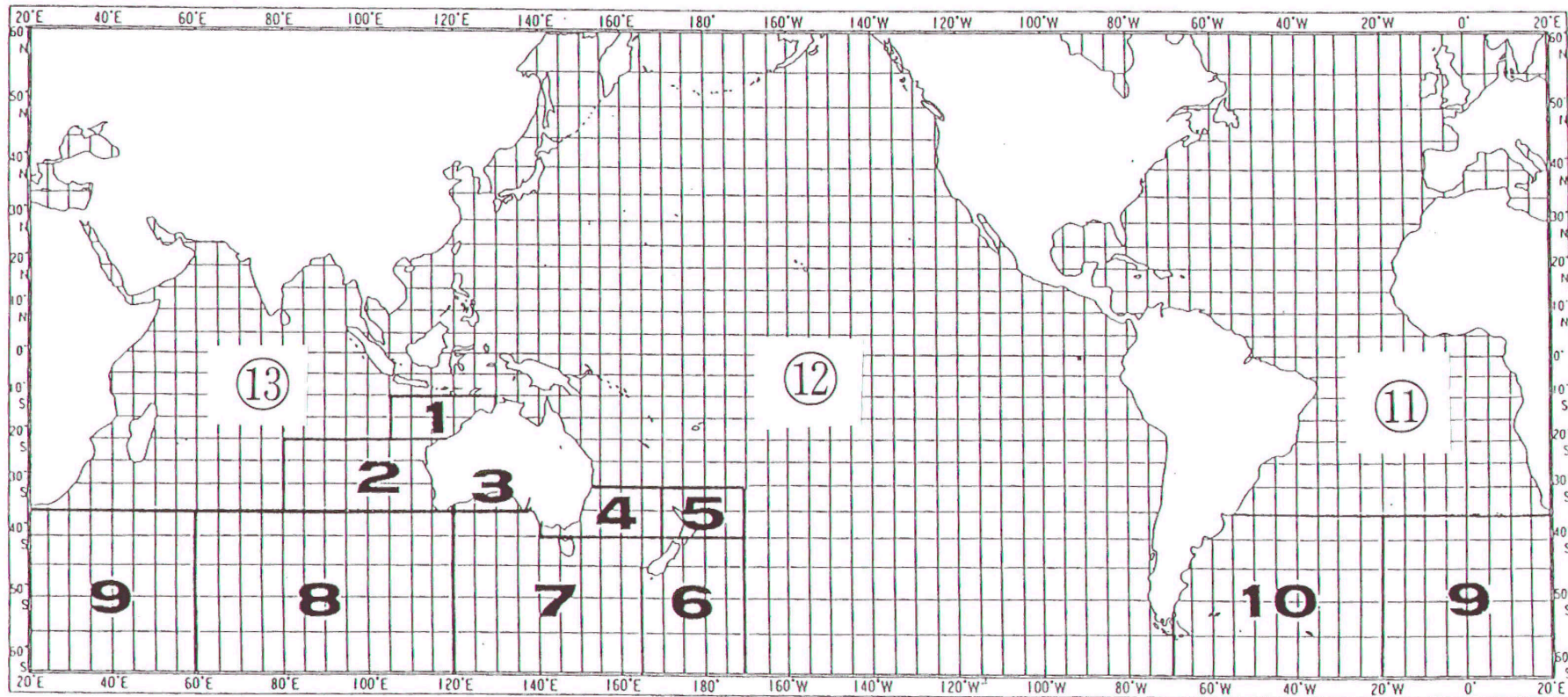
8. Validation by Authority

Fill in the name and full title of the official signing the Document. The official must be in the employment of the competent authority of the flag state/fishing entity of the vessel that harvested the southern bluefin tuna appearing on the Document. This requirement with respect to any Member of the Commission may be met by an entity duly delegated by the authority of the flag country/fishing entity. The Member which utilizes a delegated entity should submit a certified copy of such delegation to the Executive Secretary.

Import Section

The person or company that imports southern bluefin tuna must provide his/her/its name, address, signature, date on which the southern bluefin tuna was imported, licence number (if applicable) and final point of import. This includes imports into intermediate country (if applicable). For fresh and chilled product, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

Note: Instructions relating to farmed fish are written in italic letters.



Half-yearly Report of the CCSBT Southern Bluefin Tuna Statistical Document

Period ____ to ____, ____
 month month year

Import Country _____

Flag Country/ Fishing Entity	Area Code	Time of Harvest	Gear Code	Point of Export	Product F/FR	Type RD/GG/DR/FL/OT	Product Weight (kg)	No. of Fish

GEAR CODE

BB
GILL
HAND
HARP
LL
MWT
PS
RR
SPHL
SPOR
SURF
TL
TRAP
TROL
UNCL
OT

GEAR TYPE

Baitboat
Gillnet
Handline
Harpoon
Longline
Mid-water Trawl
Purse Seine
Rod and Reel
Sport Handline
Sport Fisheries Unclassified
Surface Fisheries Unclassified
Tended Line
Trap
Troll
Unspecified Method
Other Type (indicate the type of gear): _____

Product

F Fresh
FR Frozen

Type

RD Round
GG Gilled and Guttled
DR Dressed
FL Filet
OT Other

Area Code

1 to 10 SBT Statistical Areas
11 to 13 Other areas (the Atlantic, the Pacific
and Indian Ocean, respectively)

Supplimental half-yearly Report of the Southern Bluefin Tuna Statistical Document

Export Period: ____ to ____, ____
 month month, year

Import Country: _____

Flag Country/ Fishing Entity	Captured or Farmed	Net Weight <i>as per SDP document from importers</i>	Net Weight <i>as per SDP records from exporters</i>	Estimated Net Weight <i>SDP documents from importers + weights from exporters where import documentation is not yet available</i>

Annex 3

DOCUMENT NUMBER	CCSBT SOUTHERN BLUEFIN TUNA RE-EXPORT CERTIFICATE			
RE-EXPORT SECTION:				
1. RE-EXPORTING COUNTRY/FISHING ENTITY				
2. POINT OF EXPORT (CITY, STATE OR PROVINCE AND COUNTRY/FISHING ENTITY)				
3. PROCESSING ESTABLISHMENT (if applicable) NAME AND ADDRESS				
4. DESCRIPTION OF IMPORTED FISH				
Product (a) F/FR	Type (b) RD/GG/DR/FL/OT	Weight (kg)	Flag Country/ Fishing Entity	Imported Date
(a) F=Fresh, FR=Frozen (b) RD=Round, GG=Gilled and Guttled, DR=Dressed, FL=Fillet, OT=Other (describe the type of product; _____).				
5. DESCRIPTION OF RE-EXPORTING FISH				
Product (a) F/FR	Type (b) RD/GG/DR/FL/OT	Weight (kg)		
(a) F=Fresh, FR=Frozen (b) RD=Round, GG=Gilled and Guttled, DR=Dressed, FL=Fillet, OT=Other (describe the type of product; _____).				
6. RE-EXPORTER CERTIFICATION I certify that the above information is complete, true, and correct to the best of my knowledge and belief.				
Name	Address	Signature	Date	Licence Number (if applicable)
7. VALIDATION BY AUTHORITY I validate that the information listed above is complete, true, and correct to the best of my knowledge and belief.				
Name & Title	Signature	Date	Official Seal	
IMPORT SECTION:				
IMPORT SECTION I certify that the above information is complete, true, and correct to the best of my knowledge and belief.				
Importer Certification (Intermediate Country) (if applicable)				
Name	Address	Signature	Date	Licence no (if applicable)
Importer Certification (Intermediate Country) (if applicable)				
Name	Address	Signature	Date	Licence No (if applicable)
Importer Certification (Final Destination of Shipment)				
Name	Address	Signature	Date	Licence No (if applicable)
Final Point of Import: City _____ State or Province _____ Country/Fishing Entity _____				

NOTE 1: The organization/person which validates the Re-export Certificate should verify the copy of original CCSBT Southern Bluefin Tuna Statistical Document. Such a verified copy of original Southern Bluefin Tuna Statistical Document must be attached to the Re-export Certificate. When southern bluefin tuna is re-exported more than twice, all verified copies of concerned Re-export Certificates must be also attached to a Re-export Certificate.

NOTE 2: If a language other than English is used in completing this form, please add the English translation on this Document.

Half-yearly Report of the CCSBT Southern Bluefin Tuna Re-export Certificate

Period ____ to ____, ____ Import Country _____
 month month year

Flag Country/ Fishing Entity	Re-export Country	Point of Export	Product F/FR	Type RD/GG/DR/FL/OT	Product Weight (kg)

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(viii) As specified in paragraph (f)(4) of this section, a directed or incidental ILAP or LAP for swordfish, a directed or an incidental catch ILAP or LAP for shark, and an Atlantic Tunas commercial category permit are required to retain swordfish. Accordingly, a LAP for swordfish obtained by transfer without either a directed or incidental catch shark LAP or an Atlantic tunas commercial category permit will not entitle an owner or operator to use a vessel to fish in the swordfish fishery.

(ix) As specified in paragraph (d)(4) of this section, a directed or incidental ILAP or LAP for swordfish, a directed or an incidental catch ILAP or LAP for shark, and an Atlantic Tunas Longline category permit are required to retain Atlantic tunas taken by pelagic longline gear. Accordingly, an Atlantic Tunas Longline category permit obtained by transfer without either a directed or incidental catch swordfish or shark LAP will not entitle an owner or operator to use the permitted vessel to fish in the Atlantic tunas fishery with pelagic longline gear.

(m) *Renewal*—(1) *General*. Persons must apply annually for a vessel or dealer permit for Atlantic tunas, sharks, and swordfish, and HMS Charter/Headboats. Persons must apply annually for an Atlantic tunas or HMS Charter/headboat vessel permit. A renewal application must be submitted to NMFS, at an address designated by NMFS, at least 30 days before a permit's expiration to avoid a lapse of permitted status. NMFS will renew a permit provided that the specific requirements for the requested permit are met, including those described in § 635.4 (1)(2), all reports required under the Magnuson-Stevens Act and ATCA have been submitted, including those described in § 635.5, and the applicant is not subject to a permit sanction or denial under paragraph (a)(6) of this section.

(2) *Shark, swordfish, and tuna longline LAPs*. As of June 1, 2000, the owner of a vessel of the United States that fishes for, possesses, lands or sells shark or swordfish from the management unit, or takes or possesses such shark or swordfish as incidental catch or that fishes for Atlantic tunas with longline gear must have the applicable limited

access permit(s) issued pursuant to the requirements in § 635.4, paragraphs (e) and (f). However, any ILAP that expires on June 30, 2000, is valid through that date. Only valid limited access permit holders in the preceding year are eligible for renewal of a limited access permit(s). Limited access permits that have been transferred according to the procedures of paragraph (1) of this section are not eligible for renewal by the transferor.

[64 FR 29135, May 28, 1999, as amended at 64 FR 37703, July 13, 1999; 65 FR 47238, Aug. 1, 2000; 66 FR 30652, June 7, 2001]

EFFECTIVE DATE NOTE: At 64 FR 29137, May 28, 1999, § 635.4 was added. Paragraph (b) has information collection requirements and will not become effective until Office of Management and Budget approval.

§ 635.5 Recordkeeping and reporting.

Information on HMS vessel and dealer reporting requirements may be obtained from the Division Chief or where otherwise stated in this part.

(a) *Vessels*—(1) *Logbooks*. If an owner of an HMS Charter/Headboat vessel, an Atlantic Tunas vessel, or a commercial shark or swordfish vessel, for which a permit has been issued under § 635.4(b), (d), (e), or (f), is selected for logbook reporting in writing by NMFS, he or she must maintain and submit a fishing record on a logbook specified by NMFS. Entries are required regarding the vessel's fishing effort and the number of fish landed and discarded. Entries on a day's fishing activities must be entered on the form within 48 hours of completing that day's activities and, for a 1-day trip, before offloading. The owner or operator of the vessel must submit the logbook form(s) postmarked within 7 days of offloading all Atlantic HMS.

(2) *Weighout slips*. If an owner of a permitted vessel is required to maintain and submit logbooks under paragraph (a)(1) of this section, and Atlantic HMS harvested on a trip are sold, the owner or operator must obtain and submit copies of weighout slips for those fish. Each weighout slip must show the dealer to whom the fish were transferred, the date they were transferred, and the carcass weight of each fish for which individual weights are normally recorded. For fish that are

not individually weighed, a weighout slip must record total weights by species and market category. A weighout slip for sharks prior to or as part of a commercial transaction involving shark carcasses or fins must record the weights of carcasses and any detached fins. The owner or operator must also submit copies of weighout slips with the logbook forms required to be submitted under paragraph (a)(1) of this section.

(3) *BFT not sold.* If a person who catches and lands a large medium or giant BFT from a vessel issued a permit in any of the commercial categories for Atlantic tunas does not sell or otherwise transfer the BFT to a dealer who has a dealer permit for Atlantic tunas, the person must contact a NMFS enforcement agent, at a number designated by NMFS, immediately upon landing such BFT, provide the information needed for the reports required under paragraph (b)(2)(i) of this section, and, if requested, make the tuna available so that a NMFS enforcement agent or authorized officer may inspect the fish and attach a tag to it. Alternatively, such reporting requirement may be fulfilled if a dealer who has a dealer permit for Atlantic tunas affixes a dealer tag as required under paragraph (b)(2)(ii) of this section and reports the BFT as being landed but not sold on the reports required under paragraph (b)(2)(i) of this section. If a vessel is placed on a trailer, the person must contact a NMFS enforcement agent, or the BFT must have a dealer tag affixed to it by a permitted Atlantic tunas dealer, immediately upon the vessel being removed from the water. All BFT landed but not sold will be applied to the quota category according to the permit category of the vessel from which it was landed.

(4) *Pelagic longline sea turtle reporting.* The operators of vessels that have pelagic longline gear on board and that have been issued, or are required to have, a limited access swordfish, shark, and tuna longline category permit for use in the Atlantic Ocean including the Caribbean Sea and the Gulf of Mexico are required to report any sea turtles that are dead when they are captured or that die during capture to the NOAA Fisheries Southeast Fisheries Science

Center Observer Program, at a number designated by NOAA Fisheries, within 48 hours of returning to port, in addition to submitting all other reporting forms required by this part and 50 CFR parts 223 and 224.

(5) *Shark gillnet whale reporting.* The vessel operators of vessels that are shark gillnetting, as defined by 50 CFR 229.2, and that have been issued, or are required to have, shark directed or incidental limited access permits for use in the Atlantic Ocean including the Caribbean Sea and the Gulf of Mexico are required to contact the NOAA Fisheries Southeast Regional Office, at a number designated by NOAA Fisheries, if a listed whale is taken, in addition to submitting all other reporting forms required by this part and 50 CFR part 229.

(b) *Dealers.* Persons who have been issued a dealer permit under §635.4 must submit reports to NMFS, to an address designated by NMFS, and maintain records as follows:

(1) *Atlantic HMS.* (i) Dealers that have been issued an Atlantic tunas, swordfish and/or sharks dealer permit under §635.4 must submit to NMFS all reports required under this section.

(ii) Dealers that import bluefin tuna and/or swordfish must report all such species imported on forms available from NMFS.

(iii) Reports of Atlantic tunas, Atlantic swordfish, and/or Atlantic sharks received by dealers from U.S. vessels, or reports of bluefin tuna and swordfish imported, on the first through the 15th of each month, must be postmarked not later than the 25th of that month. Reports of such fish received or imported on the 16th through the last day of each month must be postmarked not later than the 10th of the following month. For swordfish imports, a dealer must attach a copy of each certificate of eligibility to the report required under paragraph (b)(1)(ii) of this section. If a dealer issued an Atlantic tunas, swordfish or sharks dealer permit under §635.4 has not received any Atlantic HMS from U.S. vessels during a reporting period as specified in this section, he or she must still submit the report required under paragraph (b)(1)(i) of this section stating that no

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Atlantic HMS were received. This negative report must be postmarked for the applicable reporting period as specified in this section. This negative reporting requirement does not apply for BFT.

(iv) The reporting requirement of paragraph (b)(1)(i) of this section may be satisfied by a dealer if he or she provides a copy of each appropriate weighout slip or sales record, provided such weighout slip or sales record by itself or combined with the form available from NMFS includes all of the required information and identifies each fish by species.

(v) The dealer may mail or fax such report to an address designated by NMFS or may hand-deliver such report to a state or Federal fishery port agent designated by NMFS. If the dealer hand-delivers the report to a port agent, a dealer must deliver such report no later than the prescribed postmark date for the reporting period.

(2) *Requirements for bluefin tuna*—(i) *Dealer reports*—(A) *Landing reports*. Each dealer issued an Atlantic tunas permit under § 635.4 must submit a completed landing report on a form available from NMFS for each BFT received from a U.S. fishing vessel. Such report must be submitted by electronic facsimile (fax) to a number designated by NMFS not later than 24 hours after receipt of the BFT. The landing report must indicate the name and permit number of the vessel that landed the BFT and must be signed by the permitted vessel's owner or operator immediately upon transfer of the BFT. The dealer must inspect the vessel's permit to verify that the required vessel name and vessel permit number as listed on the permit are correctly recorded on the landing report.

(B) *Bi-weekly reports*. Each dealer issued an Atlantic tunas permit under § 635.4 must submit a bi-weekly report on forms supplied by NMFS for BFT received from U.S. vessels and for imports of bluefin tuna. For BFT received from U.S. vessels and for bluefin tuna imported on the first through the 15th of each month, the dealer must submit the bi-weekly report forms to NMFS postmarked not later than the 25th of that month. Reports of BFT received and bluefin tuna imported on the 16th

through the last day of each month must be postmarked not later than the 10th of the following month.

(ii) *Dealer Tags*. NMFS will issue numbered dealer tags to each person issued a dealer permit for Atlantic tunas under § 635.4. A dealer tag is not transferable and is usable only by the dealer to whom it is issued. Dealer tags may not be reused once affixed to a tuna or recorded on a package, container, or report.

(A) *Affixing dealer tags*. A dealer or a dealer's agent must affix a dealer tag to each BFT purchased or received from a U.S. vessel immediately upon offloading the BFT. If a vessel is placed on a trailer, the dealer or dealer's agent must affix the dealer tag to the BFT immediately upon the vessel being removed from the water. The dealer tag must be affixed to the BFT between the fifth dorsal finlet and the caudal keel.

(B) *Removal of dealer tags*. A dealer tag affixed to any BFT under paragraph (b)(2)(ii)(A) of this section or a BSD tag affixed to an imported bluefin tuna must remain on the fish until it is cut into portions. If the bluefin tuna or bluefin tuna parts subsequently are packaged for transport for domestic commercial use or for export, the number of the dealer tag or the BSD tag must be written legibly and indelibly on the outside of any package containing the tuna. Such tag number also must be recorded on any document accompanying the shipment of bluefin tuna for commercial use or export.

(3) *Recordkeeping*. Dealers must retain at their place of business a copy of each written report required under paragraphs (b)(1)(i) through (b)(1)(iii) and paragraph (b)(2)(i) of this section for a period of 2 years from the date on which each report was required to be submitted.

(c) *Anglers*. The owner of a vessel permitted in the Atlantic tunas Angling or Atlantic tunas or HMS Charter/Headboat category must report all BFT landed under the Angling category quota to NMFS through the automated catch reporting system by calling 1-888-USA-TUNA within 24 hours of the landing. Alternative BFT reporting procedures may be established by NMFS in

cooperation with states and may include such methodologies as telephone, dockside or mail surveys, mail in or phone-in reports, tagging programs, or mandatory check-in stations. A census or a statistical sample of persons fishing under the Angling category may be used for these alternative reporting programs, and owners of selected vessels will be notified by NMFS or by the cooperating state agency of the requirements and procedures for reporting BFT. Each person so notified must comply with those requirements and procedures. Additionally, NMFS may determine that BFT landings reporting systems implemented by the states, if mandatory, at least as restrictive, and effectively enforced, are sufficient for Angling category quota monitoring. In such case, NMFS will file with the Office of the Federal Register for publication notification indicating that compliance with the state system satisfies the reporting requirement of this paragraph (c).

(d) *Tournament operators.* A tournament operator must notify NMFS of the purpose, dates, and location of the tournament conducted from a port in an Atlantic coastal state, including the U.S. Virgin Islands and Puerto Rico, at least 4 weeks prior to commencement of the tournament. NMFS will notify a tournament operator in writing, when his or her tournament has been selected for reporting. The tournament operator that is selected must maintain and submit to NMFS a record of catch and effort on forms available from NMFS. Tournament operators must submit completed forms to NMFS, at an address designated by NMFS, postmarked no later than the 7th day after the conclusion of the tournament and must attach a copy of the tournament rules.

(e) *Inspection.* Any person authorized to carry out enforcement activities under the regulations in this part has the authority, without warrant or other process, to inspect, at any reasonable time, catch on board a vessel or on the premises of a dealer, logbooks, catch reports, statistical records, sales receipts, or other records and reports required by this part to be made, kept, or furnished. An owner or operator of a fishing vessel that has

been issued a permit under § 635.4 must allow NMFS or an authorized person to inspect and copy any required reports and the records, in any form, on which the completed reports are based, wherever they exist. An agent of a person issued a vessel or dealer permit under this part, or anyone responsible for off-loading, storing packing, or selling regulated HMS for such permittee, shall be subject to the inspection provisions of this section.

(f) *Additional data and inspection.* Additional data on fishing effort directed at Atlantic HMS or on catch of Atlantic HMS, regardless of whether retained, may be collected by contractors and statistical reporting agents, as designees of NMFS, and by authorized officers. A person issued a permit under § 635.4 is required to provide requested information about fishing activity, and a person, regardless of whether issued a permit under § 635.4, who possesses an Atlantic HMS is required to make such fish or parts thereof available for inspection by NMFS or its designees upon request.

[64 FR 29135, May 28, 1999, as amended at 64 FR 37704, July 13, 1999; 66 FR 30653, June 7, 2001; 66 FR 42804, Aug. 15, 2001; 67 FR 45400, July 9, 2002]

§ 635.6 Vessel and gear identification.

(a) *Vessel number.* For the purposes of this section, a vessel's number is the vessel's official number issued by either by the U.S. Coast Guard or by the appropriate state agency.

(b) *Vessel identification.* (1) An owner or operator of a vessel for which a permit has been issued under § 635.4, other than a permit for the Atlantic tunas Angling category, must display the vessel number—

(i) On the port and starboard sides of the deckhouse or hull and on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft.

(ii) In block arabic numerals permanently affixed to or painted on the vessel in contrasting color to the background.

(iii) At least 18 inches (45.7 cm) in height for vessels over 65 ft (19.8 m) in length; at least 10 inches (25.4 cm) in height for all other vessels over 25 ft (7.6 m) in length; and at least 3 inches

Dear Bluefin Tuna Dealers:

National Marine Fisheries Service (NMFS) Regulations require a completed, approved Bluefin Tuna Statistical Document (BSD) as a condition for lawful import, export, or re-export of Atlantic and Pacific bluefin tuna into or from the customs territory of the United States. These regulations are necessary to comply with the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). Dealers importing bluefin tuna, or purchasing or receiving for export bluefin tuna first landed in the United States, are required to possess a valid bluefin tuna dealer permit and comply with all applicable recordkeeping and reporting requirements.

Allotments of Bluefin Tuna Statistical Documents that you may use to export shipments of Atlantic or Pacific bluefin tuna are inclosed. Atlantic bluefin tuna dealers may obtain BSDs, permit applications, tail tags, and reporting forms from the Administrator, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930-3799. Pacific bluefin dealers may obtain these items from the Administrator, Southwest Region, National Marine Fisheries Service, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

Documentation requirements: A BSD is considered complete and approved for import, export, or re-export if it is identified by a number assigned by the issuing government and has all of the required information recorded and, if applicable, is validated.

Imports: Importers must record on the BSD accompanying imported bluefin tuna the applicable Entry Number appearing on U.S. Customs Form 7501 (Entry Summary) or such entry number transmitted through the Automated Broker Interface, as applicable. If the United States is the final destination of the imported bluefin tuna shipment, the original BSD must be mailed to the Regional Director within 24 hours of the time the tuna was imported into the United States. If the United States is an intermediate destination of the bluefin tuna shipment, a copy of the original Bluefin Tuna Statistical Document must be mailed to the Regional Administrator within 24 hours of the time the tuna was imported and the original document must accompany the shipment to its final destination. If imported tuna are tagged, the tag must remain on the carcass until it is cut into portions for domestic commercial use or export. In such case, the tag number and country issuing the BSD must be written legibly and indelibly on the outside of the package.

Export or re-export: For fish first landed in the United States by U.S. flag vessels, enter completely elements (1) through (7) only on those numbered Bluefin Tuna Statistical Documents issued to you as a permitted bluefin dealer. For export of fish previously imported into the United States, enter on the original document accompanying the shipment the name, address, license number, signature, and date of the intermediate country importer and the name of the city and state of through transportation. In case of export or re-export, the original document must accompany the shipment to its final destination. A copy of the document must be mailed to the Regional Administrator within 24 hours of the time the tuna was exported.

Reporting and recordkeeping: Allotments of numbered BSDs will be assigned to all federally-licensed bluefin tuna dealers. As needed, additional forms may be obtained by contacting the Regional Administrator. BSDs are not transferable, nor are they reusable. Numbered documents may be used only once to report on specific export shipments from the United States. Imports to the United States must be accompanied by BSDs issued by the flag country of the harvesting vessel. U.S. dealers should notify counterpart exporters in foreign countries of these requirements. If needed, foreign exporters may obtain unnumbered BSDs from the Regional Administrator to accompany exports of bluefin tuna to the United States. Dealers must retain copies of completed Bluefin Tuna Statistical Documents for a period of two years from the date the required original documents or copies are submitted to the Regional Director.

Validation requirements: Shipments of bluefin tuna imported into the United States must be accompanied by a foreign-government-validated BSD unless the Assistant Administrator waives the government validation requirement. The Assistant Administrator shall furnish a list of the countries for which waiver of government validation requirements apply. Bluefin tuna shipments exported from the United States shall be exempt from the government-validation requirement if the shipments are: (1) identified via bluefin tuna tail tags; or (2) the document is validated by an authorized non-governmental official. Officials of trade associations may obtain authorization for validating BSDs by contacting the Regional Director.

Penalties: The importer of record of bluefin tuna shipments offered for entry into the United States without original, complete, approved documentation shall be subject to civil and criminal penalties and forfeiture provisions. The importer of record remains liable for an expenses incurred in the storage and/or disposal of bluefin tuna seized or refused entry.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently-valid Office of Management and Budget Control Number. NMFS has received an exemption from the display requirement for the expiration date because the Bluefin Tuna Statistical Document is used in international commerce and questions have been raised by customs officials and dealers in other ICCAT-member countries. By this cover letter, dealers are notified that this information collection is approved under Office of Management and Budget Control Number 0648-0040 and expires on 01/31/2004. Note, however, that the ICCAT requirements for the Bluefin Tuna Statistical Document Program do not expire on that date and NMFS will seek renewal from OMB prior to the expiration.

Pursuant to Section 402(b) of the Magnuson-Stevens Act, and consistent with NOAA Administrative Order 216-100 (Confidentiality of Fisheries Statistics), NMFS does not release confidential information submitted in compliance with provisions of the Act, other than in aggregate form and under circumstances required or authorized by law. Whenever data are requested or released to the general public, NMFS ensures that information on the pecuniary business activity of a dealer is not identified.

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Chief, Highly Migratory Species Management Division (F/SF1), National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910.

This letter is meant to summarize the regulations pertaining to the Bluefin Tuna Statistical Document. If you have questions concerning the use of the Bluefin Tuna Statistical Document, please contact Chris Rogers at (301) 713-2347, Mark Murray-Brown at (978) 281-9260, or Pat Donley at (310) 980-4033.

Sincerely,

Enclosures